

103 HAITI: VIEWS FROM CONGRESS AND LEGISLATIVE
APPROACHES

Y 4.F 76/1:H 12/13

Haiti: Views From Congress and Legi...

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BEFORE THE

SUBCOMMITTEE ON
THE WESTERN HEMISPHERE

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

JULY 27, 1994

Printed for the use of the Committee on Foreign Affairs



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HAITI: VIEWS FROM CONGRESS AND LEGISLATIVE APPROACHES

WEDNESDAY, JULY 27, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
Washington, DC.

The subcommittee met, pursuant to call, at 2 p.m. in room 2200, Rayburn House Office Building, Hon. Robert G. Torricelli (chairman of the subcommittee) presiding.

Mr. TORRICELLI. The committee will please come to order.

With planning already proceeding for a possible military invasion of Haiti, and with the Clinton administration already seeking approval for such an invasion in the United Nations, the time is at hand for the U.S. Congress to express its opinion, for members to be able to formulate their own views, and to take a position.

Today, we have called together several members of this body who have strong views on the question of Haiti and who have offered different legislative approaches to that crisis. It is our sincere hope that the Clinton administration will be listening.

It is my personal belief that a U.S. military invasion of Haiti cannot be justified unless we are prepared to step in and run the government until democracy has fully taken hold, a process that could take considerable time. I do not believe that the American public is ready for that responsibility, and I further believe that American parents are not prepared to send their children into battle over an island that holds great interest for the United States, but no strategic importance.

We are all frustrated and angered by the actions of the illegitimate military leaders who rule Haiti. But we cannot allow our frustration to cloud our good judgment. Just because we support democracy and oppose totalitarianism does not mean that we can simply invade every country that fails to meet our high standards. According to such logic, we would already have invaded Cuba, North Korea, and Iraq, to name a few.

We cannot overlook the fact that while we can help, the ultimate responsibility for restoring democratic rule in Haiti rests with the Haitians themselves, and of course, with the larger international community. We can provide training, we can provide economic assistance, and we can isolate the military regime, but it is the Haitian people themselves who ultimately bear this responsibility.

It is not to say that the task facing the Haitian people is not difficult, or indeed in the near term largely impossible. But at some point we must recognize that the United States cannot do for other

peoples all that it would like to do, especially replacing the things that they must do themselves.

Finally, while we will hear different approaches to the Haitian crisis today, let the military leaders who are occupying Haiti make no mistake: the American people and their elected representatives are united in their refusal to accept the illegal government in Port-au-Prince. We will not rest until democracy is restored in Haiti and the will of the Haitian people is reflected, as they voted themselves, to have President Aristide as their elected President.

I thank my colleagues for appearing before us today. I look forward to their testimony. I further want the members of this committee and the Congress to know that this committee has been presented with various pieces of legislation from members before it today and others in the body.

It is our intention to seek legislative approval in this committee for whatever option the administration might pursue. I believe it is the responsibility of the Foreign Affairs Committee to be heard on the question of American policy in Haiti, and ultimately it is the constitutional responsibility of the U.S. Congress to take a position on a possible military incursion into Haiti and on the larger elements of a policy.

I trust that the Clinton administration consistent with the precedents established by the Bush administration, in the Persian Gulf war and consistent with the legislative responsibilities as envisioned in the War Powers Act, will come before this Congress before proceeding militarily. It is in any case our intention to have it do so consistently with our own responsibilities.

We are all pleased that the administration is going to the United Nations to seek a legal foundation that is complementary with the constitutional responsibilities resting in this body for possible military action, but it does not remove the administration from an additional responsibility that rests in the U.S. Congress.

Mr. Ballenger, do you have any comments you would like to make before we begin?

Mr. Wynn.

Mr. WYNN. Thank you, Mr. Chairman.

I would just like to express my appreciation to you for calling this very important hearing, and also thank our colleagues for coming today to present their various views. I would just like to concur with the last statement that you made in your opening which was let the coup leaders make no mistake about U.S. resolve in resolving this particular issue.

I would also add that it is my view that the administration is correct in keeping all options open. While I don't think any of us would hasten toward a military intervention, the complexity of the situation certainly would make it a wise policy not to foreclose any option.

I would just stress two quick points, that whatever option or policy we ultimately pursue, I would hope number one, that it would be multilateral in its basis, and as you have indicated, the administration is wise in going to the United Nations for foundational support for any military intervention. But secondly, and more importantly, that in a post-Cedras era that the United States exert lead-

ership in providing economic assistance to the people of Haiti so that we can help rebuild this country.

With that, Mr. Chairman, I would conclude and look forward to the comments of our colleagues.

Thank you.

Mr. TORRICELLI. I wanted to thank our colleagues for their appearances today.

Unfortunately, I must share with you that Mr. Dellums has had a family emergency, so he will not be able to with be us today. We will of course proceed in order of seniority, and with Mr. Dellums' absence, Mr. Rangel, we would be glad to hear from you. Mr. Smith, and then, unfortunately, Mr. Richardson we have this terrible custom here where they use alphabetical order to determine people who are in the same class. I have always been offended at this personally, but I am left with the precedent. So then Mr. Owens and Mr. Richardson.

Mr. Rangel, welcome. Let me in advance of your testimony tell you that while sometimes our views on this issue may differ, if there has been a voice of conscious in this country on the question that there is a level of American responsibility to Haiti, our policy has often strayed from our national principles. You are reminded of that fact and brought this country back to its traditions more than once to correct a policy on Haiti of which we have not always been able to be proud, and for that we are all grateful.

Thank you for your testimony.

STATEMENT OF HON. CHARLES B. RANGEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RANGEL. Thank you, Mr. Chairman.

You may not know this, but recently I saw you on NBC in an interview that covered a broad spectrum of foreign affairs issues, and I paused to write you a letter to indicate that while our views did differ, that you did make me proud to be a Member of Congress, and that you did the subcommittee and this Foreign Affairs Committee well.

Mr. TORRICELLI. Thank you.

Mr. RANGEL. I did stress and underline our disagreement in the letter, because at one point you were describing your views on President Aristide and what he represented. And I hear that often-times mentioned on the Hill.

It seemed very unusual to me that a person that has been in office such a short period of time, that so many Members of Congress would know what kind of President he was. And even though nobody in our country ever receives the type of landslide victory that he did, it is abundantly clear to me that President Aristide did not represent all of the things that America wanted in that particular election, and that the CIA openly endorsed and supported another candidate, and that General Cedras was very friendly to our embassy.

As a matter of fact, unless it is recent, the CIA is still involved in one way or the other attempting to have a policy different from President Clinton. That is no secret in the White House, as relates to the things that they have written before President Aristide was elected, during the short period of time he served, and even now

as they report that he has lost his mind, that his eyes are glossy, that he appears to be misdirected. A closer review of their reports show that it is inaccurate.

So I am just saying that we all are entitled to our views about the President, but I always resent it when foreigners have any occasion to criticize my President of these United States whether I voted for him or not. So I think in all fairness that we should be concerned with the question of human rights, and if this man has been guilty of violating the human rights of anybody in Haiti, we should not rely on CIA reports; we should get to the bottom of it and find out who was violated, and I think we have a right to speak out against anyone who would do that. But by the same token, he is entitled to the presumption of innocence, as he has said, because he was democratically elected.

Now, on this question that you think is before the Congress as to whether we are going to discuss whether we are going to put any American men or women in harm's way. Mr. Chairman, I don't like the way that question is framed. No American should want to put our soldiers in harm's way. I would hate to believe that America took a vote when I was sent to Korea in 1950 and they asked my mom, did she want her son put in harm's way.

I don't recall when we invaded Grenada to rescue these American students that were there as the Cubans were building an air landing field, that we took a survey and asked whether or not Americans should be put in harm's way. My God. When we sent those troops flying and parachuting into Panama to liberate them from these great international drug traffickers that would change the whole problem of drugs in this world, as we know it, and took them out to have them to stand trial, where was I when this poll was taken as to whether our Americans should be put in harm's way?

The way I look at this, it is the President of the United States that determines whether our national interest is being affected and that he makes a plea to the American people and then he comes like he should, and no President has, except as relates to the Persian Gulf, and then gets the support of the U.S. Congress. What bothers me, Mr. Chairman, more than anything else, is when people like in the other body, and I don't know whether I am allowed to mention their names, but I think that there is only one that would pick up a picture of President Aristide and ask, is this man worth the loss of one American life? And I think emotionally and racially, the answer has to be no.

So that decision that the House and the Senate should make is after the President believes that there is no choice. And I would say that maybe the President's remarks are not based on this little island out there as to whether or not we are going to assume to put out every fire and every flash point we have all over the world.

But let me reduce this problem a little bit, Mr. Chairman. Because it was President Bush who stood up and defined the issues for us. It wasn't the Congress. It certainly wasn't the Congressional Black Caucus. But it was Bush who stood up and said as a result of that coup and a democratic President being chased out of the country, not in our hemisphere, you don't. He said no, no fragile democracy should ever have to fear any ambitious general, and

that the message should vibrate from Haiti to Central America to South America, including Venezuela, including Mexico, including Peru, and including Argentina, that we are in the business of trade and we cannot afford to have democracies jeopardized.

Well, I didn't tell him to say it. He was the leader of the free world, communism had fallen, and Clinton didn't check with me when he came in and assumed that same posture, that we had a responsibility. But not alone.

For the first time we were doing things the right way. We weren't bombing harbors and running the CIA in there and trafficking in drugs. We went to the United Nations. And that is where we went, and we even brought along the Organization of American States. And you know how much they love our leadership.

But what happened as a result of it, a sensible diplomatic way was set to resolve this issue in the great State of New York that everyone refers to as the Governors Island agreement. It had to be a good agreement, because no one liked it. They said it was the only workable document.

Aristide swore that he was being pressured. The military thought that it was one-sided, according to the international community, and the United States had to put up all the money. But what did we say? We set a timetable, not for the United States and not for the Marines, but for the international community that whether we like it or not, we are a leader, and if we reached a point that we decided that we don't want to be a leader, then no President ought to talk as President that does not believe he is the Commander in Chief.

And that is where we lost the battle, when our President thought that he could challenge the illegal government in Haiti and take the military option off of the table. Well, if you feel that way, then don't say anything as President.

But we went into an agreement. It was crystal-clear as to what the military was supposed to leave, the international community was supposed to come there, build the roads, the highways, and try to make up for all of the things that we have denied Haiti for centuries. It just made me so proud to say to the poorest country in this hemisphere that the whole world will be looking at, you can forget the Chicago south sides, the Harlems, the Newarks and all of this, but we were identifying with the poorest of the poor that have been treated so terrible by every civilized government that we have. And we should be ashamed of what we have done. But I felt good, because we were the prime movers in the agreement.

Now, who kept the agreement? President Aristide did. He did everything and more. The United States did, and so did the international community. And what did the military do? It killed the Minister of Justice, it killed every wealthy supporter that Aristide had. It killed hundreds of people in the street in broad daylight. It went into communities that because of their poverty and their color, you knew they supported Aristide, and wiped them out completely.

They got involved in drug dealing, and then when the international community came, they sent a bunch of hoodlums to the dock to chase away a U.S. troopship that had police trainers from

the international community on it. And my God, as an American, how badly I felt that we cut and run from a bunch of hoodlums.

And once that ship, the *Harlan County*, turned around and they knew then that we didn't have the will or the guts to fulfill our commitment to that document. The countries all over the world said one thing: America sounds strong, but don't count on her, don't count on her when the chips are down. Well, that is where we are today. And the hoodlums are still there.

The international community knows who they are. They are killing people, the press is saying, they are burning them, they are mutilating them, and it is not against the Haitians, it is against all of us. And I submit if there is any hoodlum ambitious general in any country that has this type of fragile democracy, let America get on the line and say, let us take a poll with the Congressmen before the election before we are going to put their bodies in harm's way. Well, that is not what democracy is about.

Democracy is about the Commander in Chief and the President sharing with the Congress what the view is, and having this as the issue that is going to drop today: are we going to invade tomorrow. Because if we make the mistake of debating this issue before the election, and I don't care whether it was the Normandy invasion or not, to send some mother and father's child into a combat area, before the President of the United States made a decision, it would have to be a pretty dumb Member of Congress to go home to his constituents and say, I voted for the troops to go in, even when the President didn't ask me.

But if what would happen is what I suspect would happen, that the overwhelming vote of the House would be to say "hell, no" to this island that no one knows where it is, that I am going to suggest to my constituents before November that we invade, it will be an overwhelming vote against that option for the President of the United States.

I suggest, Mr. Chairman, that we will not have to invade Haiti because the question is do those bums in Haiti really believe we have the will and the credibility to do what we have said we are going to do. If they believe it, they will be in Paris spending the money that they have stolen over the years. If they don't believe it, you bet your life we will have to go in.

But don't ask the United States, don't ask the Organization of American States, don't even ask the U.N. even to consider going in if the august bodies of the U.S. House and the U.S. Senate has a debate on the floor and we overwhelmingly decide that the President of the United States has not got that option.

I think you end up the same place that I do, Mr. Chairman. But I think we get there in a little different ways. I thank you, the committee and the panelists for allowing me to go far beyond my time.

Mr. TORRICELLI. Thank you, Mr. Rangel.

Can you remain while my colleagues continue?

Mr. RANGEL. I certainly will.

Mr. TORRICELLI. Mr. Smith.

STATEMENT OF HON. CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. SMITH. Thank you very much, Mr. Chairman and members of the subcommittee. I appreciate very much your scheduling of this hearing today to talk about the various legislative initiatives that have been introduced in the House in an attempt to positively affect the outcome in Haiti.

Mr. Chairman, as a fellow cosponsor of H. Con. Res. 264, you know the resolution we introduced would establish a congressional commission for the purpose of thoroughly assessing the humanitarian, political and diplomatic conditions in Haiti, as well as presenting options for U.S. policy. Such policy options would help forge an informed, sustainable consensus within the Congress and possibly among the American people on what action the United States should take.

The proposed commission would be bipartisan and would be representative of the committees which have legislative jurisdiction in carrying out such options. In addition to seeing the conditions in Haiti and meeting with a broad section of Haitian political, religious and civic leaders, the commission would receive testimony from experts on Haiti and Haitian culture, human rights, health needs and social welfare, as well as individuals who are experienced in political institution building and diplomatic processes and negotiations.

We would envision a CODEL to Haiti, at which time we could meet with nongovernmental organizations that have provided humanitarian assistance to millions of Haitians, church leaders, top government officials, including members of the chamber of deputies, labor unions, educators, and journalists. In sum, we would meet with just about everyone who has a stake in the outcome in Haiti. You may be interested in knowing that several years ago I was joined by our colleague, Tony Hall and other members of our committee, in being appointed by the Speaker to an ad hoc commission on the Kurds when they were fleeing the brutality of Saddam Hussein's forces.

In that case, the report from our delegation played a constructive role in focusing U.S. policy toward the humanitarian needs of the Kurdish population fleeing Iraq into Turkey. While the Haitian Commission mandate would be significantly larger in scope, serious, thorough and bipartisan efforts to identify possible solutions have proven to be productive in consensus building, and I do believe we need to build a consensus on Haitian policy.

Mr. Chairman, I believe the President should not treat lightly or dismiss the public's opposition to a military invasion. The latest polls indicate that the Americans are strongly opposed to military intervention in Haiti. But, if that is the President's option, the exact reasons must be spelled out in detail, and the President has to be the one to do it. I believe that our commission can help form the consensus on what all of the options are from humanitarian intervention to the possibility of military intervention.

I would just note for the record, and I would ask that my full statement be made a part of the record, that a real cross-section of people have suggested that an invasion would not be in the best

interests of the Haitian people, nor in the best interests of the American public.

For example, one reaction which has been discussed at length on the Senate floor is the letter signed by 48 members of the Chamber of Deputies who, in their July 1 letter wrote, "The dire consequences of Haiti's political crisis in addition to the sanctions for our society and economy are increasingly evident. We are certain, however, that foreign military intervention cannot provide a foundation for a lasting solution to Haiti's problems. It must be noted that as parliamentarians, we firmly oppose the very idea of a military intervention which is, in any case, reproved by the different sectors comprising Haitian society."

I would also note that President Aristide himself has said that he does not approve of an invasion. Again, if that is to be the option, it certainly must be the last case option, after all of the others have been exhausted.

Mr. Chairman, as we look at the humanitarian horror that is occurring in Haiti. It calls upon us to constantly reassess our options there. Sadly, Haiti, which as a country has ranked very low for years, is now the worst of the worst in our hemisphere when it comes to morbidity, mortality, and the children's illnesses that are pervasive in that country.

I will include in the record some of the very dire statistics from Haiti. Remember, every statistic represents a person, a child, a mother, who is suffering severely. Much of the illness is from malnutrition or from otherwise preventable diseases, because of the crisis that has occurred there.

I would also note for the record, and I will include some of this in my written statement, the President has had many positions on Haiti. I think this commission can help bring all of the diverse views on Haiti together, meet in a sustained way, and focus, because we have had a lack of focus on Haitian policy, so that we can come up with a position that is not Democrat or Republican, but that is American. The commission would try to provide the best possible solution, bringing in all of those who care deeply about the Haitian crisis, especially the Haitians themselves. I think this commission can be very worthwhile in that endeavor.

Mr. TORRICELLI. Thank you, Mr. Smith.

Mr. Owens.

STATEMENT OF HON. MAJOR OWENS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. OWENS. I would like to begin by thanking you for the opportunity to present a variety of viewpoints on this very critical issue. There has been a lot of disinformation, deliberate disinformation, and a lot of honest confusion generated around this issue. I would like to submit the official position of the Congressional Black Caucus for the record, and I will discuss it in a few minutes.

To invade or not to invade is really not the question. No one is recommending invasion except as a last resort. No one is recommending that except as a last resort. There are two other basic and very moral questions that must be dealt with.

One is the humanness of a human refugee policy. We have taken positions as a nation and doing things as a nation that are incon-

sistent with our laws, the substance and the intent of the laws, as well as the basic spirit of the laws with respect to immigration. Asylum is not being treated in the case of the Haitians as we handle asylum with other peoples. We are behaving in a manner which appears to be racist.

The second question is the rescue of a country being held hostage by criminals. Haiti is a country being held hostage by criminals. The government had more credibility and validity and legitimacy than the Cedras government. Hitler got to where—he got to an electoral process and then we wiped out his opposition, but he did go through some process. He did offer a program to the nation.

We are faced with a band of criminals, with no program. They are doing nothing except skimming off the meager resources of a country that exists. Seventy percent of the population of Haiti elected a government that is Aristide's government; 70 percent. That 70 percent is being held hostage by the 7,000 who have the machine guns and the weapons supplied by the United States, the training was supplied by the United States, the officers, the generals, all trained by the United States; they are holding the country hostage. That is the predicament we are in.

First the refugee problem, and some people who step forward to make pronouncements about what should happen in Haiti, I wish they had chosen "Profiles in Courage" by offering solutions to the refugee problem. Let some states and some congressional districts offer safe haven to some Haitians, take the initiative and offer safe haven. You know, we went—we sent airplanes in large numbers and brought Hungarians back to this country at the time of the Soviet invasion of Hungary. We didn't wait for them to get here, we spent planes to pick them up and brought them back. They landed and they were given immediate temporary asylum status. Hundreds were handled that way.

We have taken in thousands of Soviet refugees in the last 10 years. On and on it goes in terms of our way of handling refugees that has been consistent up until now. Suddenly we are doing it differently with the Haitians. This Congressional Black Caucus policy I think is pretty clear and I submit the statement for the record.

In the spring of this year, the CBC set forth what we call a "Serious Sanctions Initiative." This initiative was first expressed in a letter to President Clinton. The contents of the letter were later incorporated into H.R. 4114, that I think this committee has jurisdiction over, and I hope the committee will consider and act on it.

Following the dismissal of Mr. Pezzulo and the appointment of Bill Gray, the Clinton administration has undertaken what we call a serious sanctions initiative. The one important segment of H.R. 4114 that has not been adopted by the organization is the section that I have just discussed related to asylum. Haitian asylum policy is not being administered in the same way for Haitians as it is for other persons.

The other part of the CBC position was adopted earlier in 1993, October 27, 1993. H.R. 4114, which we decided to emphasize last spring, did not rescind any previous Congressional Black Caucus position. Previously we had taken the position which included the following statement: that all necessary means, including protected

military force, should be utilized to complete the objective of the Governors Island agreement on schedule; that immediate, emergency steps should be taken to provide protection for all elected officials of the constitutional Government of Haiti and their families; the Aristide government and the opposition government, protection should be provided, and that whatever steps are necessary should be taken immediately to provide the constitutionally elected government of Aristide with the necessary facilities and resources to train an army of Haitian freedom fighters to serve as a counterforce to the existing army of drug smugglers and killers.

If in the fall of 1993 when that resolution was passed we had undertaken the training of Haitian freedom fighters, the question of one drop of American blood being used to free the people of Haiti would not be on the agenda. We could just provide logistical support and the Haitians themselves could take care of the thugs that happened to have hijacked their government.

I think it is very important that we understand that Haiti is a special case in this hemisphere. Haiti's affairs have always been dominated by the United States, and there are very few policy-makers and historians who would dispute this. From the time of Thomas Jefferson when he looked upon the freed slaves of Haiti having established their own government as being a threat to the institution of slavery in this country, our Government has taken steps to see to it that Haiti is always contained. We have always taken steps to see to it that the sphere of influence of any nation other than this country be limited in Haiti. Haiti is a French-speaking country and the French have always been kept at bay, they have not been allowed to come in and develop Haiti economically.

Business-wise, Haiti has always been forced to have close ties with the United States. If we want to leave Haiti alone and not interfere with their affairs and not be responsible for what happens in this Hemisphere anymore, that is a new policy, that is a new outlook. I am all in favor of it. But let's not do it now.

Let's atone for our past sins. Let's make some corrections of our past misjudgments. Let's remove the people that we trained and supported. We trained the Haitian army. We trained the officers. Some of them were trained at Fort Benning, Georgia. We have supplied them with the equipment, all of the equipment that they have, all of the supplies they have. That is our army.

Beyond that, we also have certain key people in the army on the CIA payroll—this is not disputed. This has been admitted as a fact—the CIA payroll, who were closely working with the CIA at the time of the overthrow of the constitutionally elected Government of Haiti. So let's correct the problem that we helped to create and then we can take hands-off.

Finally, I would like to just remind us that the polls show and the public clearly is in favor of no invasion. You know, I am a non-violent person, a follower of Martin Luther King and I certainly don't want to talk about the use of force either. If you leave it all up to the polls, not knowing all of the facts, not fully understanding the situation, we would never take the kinds of steps necessary to solve the critical problems of this country.

Abraham Lincoln was outgunned in his own cabinet with votes. Everybody in his cabinet voted that Emancipation Proclamation should not be at issue. If Abe Lincoln had gone to the public at that time and submitted the Emancipation Proclamation as a decision that he would make only after taking a vote in the Congress as a result of viewing the public opinion polls, it would have been clearly decided the other way. There would be no Emancipation Proclamation and this country would have been saddled with the institution of slavery for a much longer time.

In more modern times, Harry Truman made a decision to recognize the state of Israel when the public opinion polls clearly showed that that should not happen. The public did not want to recognize it as a state.

Some of the key people in President Truman's cabinet, including General Marshal Shedta, they would publicly denounce such a recognition, but Truman deliberated, he came and recognized the state of Israel and a result of that, many other nations recognized the state of Israel and we had a new democracy born, nurtured and born in the Middle East.

I think people who have all the facts, all the history, all the burden of what the history of this government has been, all of the burden on their shoulders, they should be allowed to make some critical decisions and this Nation should go forward in the tradition that it has always gone forward, for the protection of democracy in this Hemisphere. That has always been our position and certainly we do not want to see bandits and criminals hijack any nation and be allowed to remain in control of that nation.

I thank you for the opportunity.

[The prepared statement of Mr. Owens appears in the appendix.]

Mr. TORRICELLI. Mr. Richardson.

STATEMENT OF HON. BILL RICHARDSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Mr. RICHARDSON. Mr. Chairman, I think we should have three objectives as we deal with our Haiti policy.

First, we should try to resolve the Haiti issue peacefully under the Governors Island agreement.

Number two, we should restore President Aristide to power.

Mr. Owens mentioned he got 70 percent of the vote. In my two recent trips to Haiti, I think that Aristide would receive 90 percent of the vote.

Third, this is something that we can do now. We need to develop an aid package for Haiti. We don't need to wait for this issue to be resolved. We owe this country; it is devastated. We need international aid agencies; we need to give them humanitarian assistance, food assistance, technical assistance, private sector assistance, budget support. I don't think that we should expect the political resolution to end without the international obligation recognizing that we need to keep this country from dying economically. I think we have that obligation.

Mr. Chairman, on Monday, July 18, as a member of the House Intelligence Committee acting on my own, not as a Presidential envoy or representative of the Clinton administration, but simply as a Member of Congress, I accepted an invitation with General

Cedras to speak about the issues relating to Haiti. I met with General Cedras and the rest of the military high command, which included General Biamby, at General Cedras's home. The meeting lasted for approximately 5 hours. During that time, I took the opportunity to advise him that I strongly supported President Clinton's Haiti policy. I specifically informed the General that the Governors Island agreement had to be revived, and that he must resign his position and permit the restoration of President Aristide's government.

I further informed General Cedras that I was personally opposed to any unilateral military intervention. However, I advised the General in no uncertain terms, as I have since my return, that if the President as a last resort ordered a military intervention unilaterally or with the support of the international community, I would support the President and vote that way in his decision. I underscored their need most importantly for General Cedras to act immediately, as time was running out, and a growing consensus was building in the Congress for more affirmative action to restore Aristide to power.

Having visited Haiti 2 months ago on a previous trip provided me with an excellent framework for which to judge the effectiveness of the sanctions. Two months ago, based on the number of gasoline vendors on the streets of Port-au-Prince, it was hard to fathom that any embargo existed. Today, however, the sanctions are biting. The number of gasoline vendors are substantially less than 8 weeks ago and the traffic on the streets is significantly reduced. Occasional power outages which effect every sector of the population continue to occur in Port-au-Prince.

During my meeting with General Cedras, he and the military command acknowledged and admitted that the sanctions were biting, and that they were in fact hurting the military. As an example, Cedras cited a situation where a soldier was shot, transported to the hospital, but could not be operated on because no electricity existed. That soldier subsequently died.

Despite the obvious impact of the sanctions, there continue to be significant leakage along the Haiti/Dominican Republic border. I personally witnessed violations during my visit. I crossed the border area from the Dominican Republic at Jimani.

This region is most popularly referred to as Kuwait City due to the large volume of fuel that moves through the area. While being processed by a Haiti Customs officer, I saw small boats loaded with barrels apparently used for transporting fuel across the river between Haiti and the Dominican Republic.

I might add that this activity took place during daylight hours and apparently with little or no concern shown by both the Haitian and Dominican authorities posted along the border. It is my understanding that the U.S. monitoring team will arrive at the Dominican Republic within a couple of weeks to assist in monitoring the border.

Additionally, I am aware that President Clinton recently approved the transfer of equipment, including helicopters, to the Dominican Republic to further assist in its enforcement efforts.

Nevertheless, I remain skeptical of the Dominican's ability to seal the border and thus give the sanctions the strongest teeth pos-

sible. My skepticism is based upon my belief that resolve on the part of the Dominican military is lacking. This lackadaisical attitude is fueled by the financial gains that can be made through trafficking contraband along the border region. Despite this view, I am confident that some improvements will be made, because I think President Balaguer is sincere in making sure these sanctions work.

Mr. Chairman, I also visited Guantanamo Bay, the Grand Turk Island and the Turks and Caicos. I found that, in summary, our refugee policy is working. The U.S. military is doing a good job of dealing with 16,000 refugees, of feeding them, of keeping them in good sanitation facilities. I found the refugees to be—the morale very good. I had a chance to talk to them. Approximately half of those that I polled independently wanted to come to the United States.

Again, I think our American military, our Marines, our Navy that are organizing this process are doing an excellent job. I believe we owe thanks to governments like the Turk and Caicos Islands that have agreed to make their country as reprocessing centers. That is happening, and I believe our safe haven policy is looking for additional nations.

In short, I think the refugee situation, the processing situation, is improving for all of those refugees that are leaving Haiti because of the political oppression.

Mr. Chairman, let me conclude by stating that I support the President's policy. I think that what he is doing of combining diplomatic efforts and gaining support multilaterally at the United Nations makes a lot of sense. The military options should be the last resort. Prior to initiating any military action, all diplomatic tools should be explored and exhausted.

I support those multilateral efforts at the United Nations. I maintain a glimmer of hope that this crisis can be resolved peacefully without the need for military intervention. I reiterate my position that Aristide must be restored to the presidency. General Cedras, General Biamby, Colonel Francois must resign and leave the country.

Once again, I found President Aristide to be enormously popular with the Haitian people. Again, Mr. Chairman, I think one thing this committee can be doing. When I was in the Dominican Republic, many Dominicans, average Dominicans talked about the positive effect that your hearing had here for the democratic process in the Dominican Republic. Many people mentioned that, democracy supporting it.

What I think you can do, Mr. Chairman, before this issue is resolved is look at that aid package. I think we owe this country assistance. I think the international community needs to do that. I think we should establish frameworks in the private sector and public sector to get moving in this direction. We owe this country that is nearly dying.

[The prepared statement of Mr. Richardson appears in the appendix.]

Mr. TORRICELLI. Thank you, Mr. Richardson, very much.

Mr. Reed.

STATEMENT OF HON. JACK REED, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF RHODE ISLAND

Mr. REED. Thank you, Mr. Chairman and members of the committee for this opportunity to discuss American policy with regard to Haiti.

On May 27, I had the opportunity to travel to Haiti with our colleagues, Bill Richardson and Julian Dixon. As you know, Bill has just returned from a follow-up trip. During our visit in May, we had the chance to talk with a broad spectrum of political figures, as well as our embassy personnel. My comments are based upon this trip and consideration of our policy over many, many months.

American policy must address three critical issues: the departure of the illegal Cedras regime, the establishment in Haiti of a democratically elected government of President Aristide under conditions that will not require the commitment of U.S. military forces, and the prevention of the uncontrolled entry of Haitian nationals into the United States.

Removal of the illegal Cedras regime continues to be a frustrating and, to date, unsuccessful effort. Nevertheless, resorting to the expedient use of American military forces to resolve the situation would, I feel, be a mistake. There is no doubt that American military forces would quickly overwhelm any organized resistance.

However, these short-run gains would be rapidly dissipated. Few policymakers have to be reminded that we spent 19 years in Haiti trying to facilitate the development of a functioning democracy with little, if any, long-term results to show for it.

Moreover, our visit to Haiti demonstrated that an American invasion would quickly engender local opposition. We found no significant support for such a policy among civilian political leaders.

In fact, the impression was left that most would have to reflectively condemn such an invasion in order to maintain their standing within domestic political circles. In sum, we would find ourselves in the awkward position of risking American forces to eject Cedras and then find ourselves as unwelcome guests by those we thought we were helping.

Inextricably bound up in efforts to expel the Cedras regime is the attitude and activities of the Aristide government. Aristide's brief rule over Haiti has raised considerable controversy over his commitment to the constitutional principles that we would be presumably supporting.

Within Haiti, he is a figure that commands great respect among many, and great suspicion among many others. At this junction, it is essential that his government play a more constructive and cooperative role in resolving this crisis.

As a first step, a prime minister should be appointed immediately. This individual should represent a broadening of his government and manifest a sincere attempt to be inclusive of responsible civilian elements within Haiti. In this way, there is a possibility of further weakening the hold of the Cedras regime while beginning to establish a government that can function immediately upon the departure of the Cedras regime.

With regard to our policy toward Haitian refugees, the various attempts to provide off-shore processing have been abandoned and with good reason. The activation and reactivation of these facilities

outside Haiti invariably starts a wholesale exodus which imperils the refugees and undermines attempts to offer asylum to politically active Haitians.

During our trip to Haiti, we visited the refugee processing center in Port-au-Prince. There are additional centers in the southern city of Les Cayes and the northern city of Cap-Haitien. These centers continue to operate and process Haitians who seek entry in the United States. The criteria for entry is consistent with our policy for offering asylum for political refugees.

According to embassy personnel, these centers have operated with little or no interference from the Cedras regime. In sum, we should continue to operate these centers and refrain from the establishment of centers outside of Haiti.

Mr. Chairman, we all recognize that there are very few answers to this crisis. I appreciate your effort and the efforts of this committee to search for a principled resolution of this situation, and I thank you for this opportunity to share my thoughts.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Reed appears in the appendix.]

Mr. TORRICELLI. Thank you, Mr. Reed.

Mr. Rangel, Carrie Meek has yet to testify. I understand you are running into difficulty with your own schedule.

Mr. RANGEL. I have to chair a meeting of the New York delegation. We are meeting with the trade Ambassador, and I always welcome listening to my colleague, but I just want to thank the committee for listening and the courtesies that are always extended to me by the Chairman.

Mr. TORRICELLI. I don't know whether having you miss the New York delegation is or is not to the interests of New Jersey, so I don't know whether to try to interfere with your schedule.

Before continuing with Ms. Meek, let me just briefly respond to a couple of the points that you made.

This committee has been presented with resolutions from Ms. Meek, Mr. Smith, and Mr. Dellums. If there were a majority on the subcommittee, and were I convinced that both the full committee and indeed some significant group on the floor formed, if not a consensus, a center of gravity on Haiti policy, I would proceed with one of those resolutions as a statement of policy.

It is not my judgment, and I sense most members of the institution, that we want to prejudge any judgment by President Clinton on involvement in Haiti. We have our individual views on the merits of military involvement in Haiti. But it is not for the Congress ultimately to establish that policy. It is for the President to make his judgment.

By my comments I was simply contributing that when he has made that judgment, it has been my consistent view that the Congress then has a responsibility to be heard and to participate.

You are genuinely correct in that the questions of Grenada and Panama, and indeed you might have added Nicaragua and El Salvador, this Congress was neither consulted nor certainly given the opportunity to participate.

You have argued that they are precedents for President Clinton's actions. As one who criticized both President Reagan and President Bush on those instances, they are, in my mind, examples of why

this administration should seek better adherence with the law and seek congressional participation.

Mr. RANGEL. Mr. Chairman, I agree with each and everything that you have said. There must be some misunderstanding.

Mr. TORRICELLI. Perhaps not. I wanted to clarify the issue.

Mr. RANGEL. I agree 100 percent. What I am saying is that there are many Members of this Congress that would want to debate this issue on the floor of the Congress and take a vote before the President of the United States has come to the Congress and shared with us what his decision is. My only point is that we should not vote before the President has taken everything into consideration. This is not a popularity contest. And to do this and to deny him this option, if you will, I think would impair his ability to resolve this peacefully. And I don't believe, because we have done this before, I am suggesting, no one had opposed the invasion of Panama and the invasion of Grenada more violently than I. I am saying that this President is going to the United Nations, and I hope and trust—

Mr. TORRICELLI. Then there is no difference with you?

Mr. RANGEL. No.

Mr. TORRICELLI. It is not my intention as chairman of the subcommittee to move on any resolution which would preclude options to the organization or indeed signal to the generals in Port-au-Prince that they need to consider any option eliminated. All options do exist. I have my own personal views about the U.S. military being used in this instance, and I think a view widely shared about the need of the United States to comply with international laws and our own constitution. I think that the administration has made a dramatic and an important turn in policy in going to the United Nations, in recognizing that this must be done with international sanction.

If we restore democracy in Haiti, but do so by continuing the neo-colonialist history of the United States, interfering in the affairs of our neighbors without either their approval or being consistent with international law, then we may achieve something for the Haitians, but nothing for ourselves or for our neighbors.

Mr. RANGEL. We are in complete accord, complete accord.

Mr. TORRICELLI. I simply approach the issue on that basis.

Mr. RANGEL. But you should know that there are Members of Congress that want to debate and vote on this issue before the President has decided what is in our national interests. But you and I, what you have said and what I have said, perhaps the language may be different, but I support you 100 percent.

Mr. TORRICELLI. Very good. Thank you very much.

Thank you for your testimony.

Ms. Meek, I apologize for the delay. We welcome your testimony.

STATEMENT OF HON. CARRIE P. MEEK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mrs. MEEK. Thank you, Mr. Chairman. Thanks to members of the committee.

As all of you know, I live in Miami, Florida. As a prefix to my presentation, I have visited Haiti; I have also many constituents who lived in Haiti before they came to America. Just recently, be-

cause of the help of one of our members, Congressman Deutsch, I visited the USS COMFORT, and I also visited Guantanamo where the Haitians are held at this time.

I introduced H.R. 3663 to address three specific refugee problems: forced repatriation, the status of Haitians nationals here in the United States, and also to provide Federal funds to lessen the impact to State and local governments on admission of Haitian refugees to their States.

My first assertion is that immigration is unfair. The immigration policy in this country is unfair to Haitians. There is a different standard for Haitians than for other refugees. That is why I introduced this bill.

As I sit here today, at least 1,200 Cubans have come into this country, but we have not allowed anywhere near that many Haitians to enter. It is not the problem of the Haitians. The problem is with the immigration policy of this country. There is a double standard there.

The nonrefoulement section of my bill, H.R. 3663, would make our policy conform to international law with regard to the return of asylum seekers to the country from which they are fleeing. Our policy does not at this time. H.R. 3663 would require the United States to determine the legitimacy of an individual's claim. At this time, now that processing has stopped on the ship, there are over 16,000 Haitians at Guantanamo. You can imagine the process. We saw it. The military people are extremely sensitive to the Haitian people. Never have I seen such, I would say, fine sensitivity, more so than their military training would require them to do.

But there is still that kind of processing where the interpreters and the people who are doing the sensitive kind of processing don't have the expertise in refugee processing as they should have for that many people. I would question why we are still doing this at Guantanamo. And of course, on-land processing is subject to the same limitations as on ship processing.

I visited the consulate in Haiti. I know how slow that process is. I understand the backlog that is there; there aren't enough workers there to really do the processing of the Haitian refugees.

On the other hand, you must understand that no sensible Haitian would try to get processed at one of those in-Haiti processing centers when they know the intimidation they will face if they are seen going into one of our processing centers there. So it is not as easy as you hear it stated, because Haitians on the ground in Haiti are afraid, many of them, to go to those processing centers. As well designed as they may be, they are inadequate to make this a fair process.

My bill would prohibit the United States from returning individuals to their country of persecution if it is determined that they are refugees. I think we should give a lot of weight to that to be sure that that determination is a sound one.

I think it was the Bush administration that signed an interdiction agreement with the United States, which was grossly unfair, to return Haitians without benefit of any hearing. That has been going on since that time until President Clinton intervened.

This provision is not Haiti-specific in my bill, Mr. Chairman. It would apply to anyone encountered outside U.S. territory within

the territorial waters of another nation. I would like to make it clear at this time that I applaud President Clinton's decision to try to establish safe haven for those who are in fact fleeing political persecution in Haiti. That is not an easy call. This administration is trying to do it. But it appears to me, Mr. Chairman, that whatever is tried is not enough. If one could just witness the fear, the persecution, the malaise that is coming over that land, one would see that we need a stronger and a better policy.

I don't think the sanctions are working that well; they are working very slowly. I don't know whether we have the time; I don't know how many people have to die; I don't know how many women have to be raped before this policy begins to work. There is quite a bit of documentation to show that women are being raped in Haiti.

I have an article which I want to place in the record in a few minutes to you on that. The previous policy was not just a violation of international law, Mr. Chairman; it was a violation of the most basic code of humanity. Accordingly, the administration's announcement on May 8 was clearly an admission that this prior policy was flawed.

Section 3 of my bill would designate Haitians for temporary protective status under section 2244 of the Immigration and Nationality Act, thereby protecting those Haitians who are currently in the United States from returning to Haiti while there is a human rights crisis there, and there is clearly a human rights crisis going on in Haiti.

I don't think a lot of people believe this, Mr. Chairman. Until they turned the U.N. observers back, you could see then how the military people there, Cedras, Francois and the rest of them are snubbing their nose at U.S. foreign policy and how they are continuing to kill, murder and rape there.

So under the provisions of TPS or Temporary Protective Status enacted as part of the Immigration Act, the Attorney General is authorized to designate any nation or part of a nation Temporary Protective Status if she finds an ongoing conflict.

I must say this about Attorney General Reno. She is a deeply sensitive person. She was provided the fact that there were so many children over there, Mr. Chairman, living in terror, drinking water which is infested certainly with all kinds of bacteria. She was able to give them parole, humanitarian parole in the United States. And because of the goodness of heart of a Cuban American in Miami, I was able to bring back 118 of these children, because of that Cuban American and Haitian community and American Airlines.

Mr. TORRICELLI. You wouldn't want to identify that Cuban American, would you?

Mrs. MEEK. Jorge Mas Canosa was that Cuban American. When I called upon him for help, I was criticized for that. But I didn't really care, Mr. Chairman. Because what I was looking for was someone who had the heart to do this and he did and so did American Airlines. So we were able to bring back 118 Haitian children and now they are gladly reunited with their parents who are legal residents in the United States who live in Miami.

I am aware that the number of people leaving Haiti has diminished since the administration's announcement that only those who apply for asylum through in-country processing will be allowed to come to the United States. I am also well aware of the fact that the United States can't possibly accept all of the people who would like to come here. I am only asking the Congress, and I am asking the administration, to make it fair, to level the playing field so it is the same for Haitians as well as for other people. I still contend that present treatment is unfair for Haitians.

No one wishes to provoke a mass exodus of people to this country. No one wishes to see that. We know that this mass exodus would have a negative impact on south Florida and some other areas of this country. That is why in my bill I ask that these cities and counties that are being negatively impacted, be given recompense for that through the Federal Government in terms of providing the funds to reimburse their expenses.

Repression is there, Mr. Chairman. I don't need to talk a lot about that.

I want to ask unanimous consent to have the article, Mr. Chairman, regarding the rape of women in Haiti placed in the record, unanimous consent on the political repression.

Mr. TORRICELLI. Without objection, it will be placed in the report at this point.

[The information appears in the appendix.]

Mrs. MEEK. There are so many abuses that I won't take the time of this committee. You are well aware of all of them.

The record is there: the killing of the children, the wanton killing of priests and the political people, the soldiers opening fire on people, officials that are trying to push the democratic government being dragged from their homes, their wives and children being persecuted and raped; refusing an U.S. Senator, Senator Graham, the opportunity of going up and inspecting the border with the Dominican Republic. It shows you the disrespect they have for American foreign policy. I think that any woman in this group who had a chance to hear Ms. Alerte Belance and to see her—the National Organization of Women brought her to our attention—this woman has been maimed for life. She survived a machete attack by pro-military terrorists. The attack left her with her right arm severed below the elbow, a slash across her face, took out her upper palate. I could go on and on with these atrocities.

The point is that the Haitian people are laboring under very inhuman conditions. And our foreign policy, because it is a disparate one, is not helping them. So that is what my bill seeks to address, Mr. Chairman.

In closing, while H.R. 3663 would not eliminate the blatant double standard to which Haitians have been subjected, it would guarantee at least a modicum of justice. The Haitian people deserve a caring and effective response from the United States and the affected international community.

Thank you, Mr. Chairman.

[The prepared statement of Mrs. Meek appears in the appendix.]

Mr. TORRICELLI. Thank you for your testimony and for the legislation you have submitted to the committee. I was in Florida only a week ago and heard of your work in bringing the Haitian chil-

dren to the United States. It was an extraordinary effort. You have saved lives and it is a very special statement about you and your work.

I further want to congratulate you, because some have used the Haitian crisis to divide the Cuban and the Haitian people. Indeed, they have both suffered under oppression. Your efforts in reaching out to the Cuban American community as part of the struggle to save Haitian children is a good example of how the needs of the community are not in conflict, but indeed are complementary.

Ms. MEEKS. Yes.

Mr. TORRICELLI. And particularly, that indeed one of the most respected leaders of the Cuban American community was a part of your efforts I think is a tremendous statement of the ability of the communities to work together.

In deference to my colleagues, I will be brief.

But I only want to pose a couple of questions, if I might.

The Clinton administration's policy is based on the predicate that there is a level of suffering that the Haitian military will not accept and will therefore relinquish power. There is an unmistakable, illogical aspect to that policy in that there is no evidence that the Haitian military cares anything about the Haitian people, or they wouldn't have seized the government to begin with.

The United States, however, is in a very different position. There is a level of suffering to which we cannot, despite our resolve to restore democracy in Haiti, allow the Haitian people to be subject. We have just witnessed in Rwanda the terrible effects of cholera and of hunger. Make no mistake about it, there is a point at which a cholera outbreak in Port-au-Prince, large-scale hunger, civil unrest, could make the embargo itself morally unacceptable. I wondered if any of you, each of you, would share a judgment about how it is the United States deals with this moral dilemma of the dictatorship being unacceptable, but a level of human suffering being reprehensible.

Mr. OWENS. Mr. Chairman, the problem in Rwanda is not a problem of bacteria causing cholera. The problem in Rwanda is reckless criminal leadership, leadership which called for the massacre of people over the national radio station. We have the same bandit criminal leadership in some other parts of the world: in Serbia, Nigeria. You have the same bandit criminal leadership in Haiti. A confrontation of the bandits, the criminals immediately, a recognition of the fact that the world now is faced with a situation where a dozen people can hold a nation hostage and we have to deal with that. And when they hold a nation hostage and they have no concern whatsoever with the lives of the people in that nation, they can create situations like the crisis in Rwanda where thousands are dying every day, and we can easily identify it.

In Haiti many people are dying every day from hunger and probably already from diseases, as well as being killed by the military. So the handful of bandits, a dozen or less, are causing the problem, and they are causing a problem with the situation where the people of the nation have expressed their desire to have a democratic government. They have expressed their desire to have certain leaders.

In Nigeria and in Haiti, you have a situation where elections were held, elections were not disputed in terms of the honesty of the elections by the international community and the people with the guns seized power and they hold the nation hostage. Action on that is the first and most important action and the most reasonable action.

You cure all of the other ills, you avoid the cholera epidemics, you avoid the widespread numbers of malnutrition, you avoid the situation where people didn't get decent health care because there is no electricity in hospitals where they have to have an operation. On and on it is goes. We have to confront the fact that when bandits and criminals come forward and take the nation hostage, immediate action by the international community is the best solution to the problem.

Mr. SMITH. Mr. Chairman, if I could just respond, sanctions certainly are a very blunt instrument and I think they need to be reassessed from time to time, especially when their outcome visits especially upon the most weak and vulnerable of society.

In the case of Haiti, it is the children and the women of Haiti who are suffering most. It would be better to assess that situation, whether or not this blunt tool is having the desired effect. If indeed General Cedras and others are looking at this and saying we don't give a damn about these suffering people, then indeed we are actually hurting those that we are intending to help.

I think we have to be wise enough that if it calls for a change or a recalibration of policy, that we will make that move and perhaps target the sanction in a different way. Meanwhile, I think we also need a stepped-up humanitarian effort for those who are suffering.

It is a very hard question, I don't think we can answer it in the affirmative: have we done all we can possibly do to help the suffering women and children and families in Haiti through humanitarian efforts? There is more perhaps that we can be doing.

Mr. TORRICELLI. Of course, this is exactly the basis of my question, that we need to begin to think about it. We are all going to wake up one morning and the inability to boil water in Port-au-Prince is going to lead to a problem of contagious disease, or the shortages of food are going to lead to riots.

Mr. OWENS. Mr. Chairman, the military has stopped the shipment of food by the humanitarian organizations. The military will not let this kind of humanitarian relief that he is talking about go in.

Mr. TORRICELLI. I am not casting blame of who is responsible.

Mr. OWENS. They have to be removed is what I am saying, otherwise nothing works.

Mr. TORRICELLI. They can, but if they are not, and these events occur, I am only suggesting that the Haitian military no doubt will be prepared to hold power while people die of contagious disease and of hunger. The United States is committed to the restoration of democracy in Haiti.

We are also committed to the idea that people shouldn't die of contagious disease and of hunger. And at some point this country can be facing a choice between these objectives. We do not sit in the same moral position as the Haitian military. We have a higher

level of responsibility. I am only suggesting that the day of this terrible choice can be coming, and we had best be prepared for it. That is my only point.

Finally, before I yield, let me ask, in my exchange with Mr. Rangel I made clear my own belief that the U.S. Congress must be consulted before there is a military invasion, though that judgment rests with the President to recommend in the first instance.

There is also the unusual position of the United States potentially involving itself militarily in Haiti with that government—with that country having a democratically elected government in Mr. Aristide. I am not aware historically, though I welcome a correction, of any instance in history in which the United States has invaded a nation which had a democratically elected government where our invasion did not have the approval and indeed the invitation of that democratically elected government.

To my memory as an historian, albeit amateur, I am not aware of any such precedent. Is it a controlling factor in your minds, a condition precedent, that President Aristide would publicly endorse and welcome an American military involvement?

Mrs. MEEK. Well, Mr. Chairman, I don't think President Aristide could very well do that, because it would violate the constitution of the country he represents, Haiti. He could not openly say, go in and intervene militarily in Haiti. But, of course, I think that the present Clinton administration policy is a sound one, and that is the restoration of democracy in Haiti, and to restore President Aristide. Let's face it, if President Aristide were to go back to Haiti, you would not see Haitians fleeing as they are doing now. They would remain in their own country.

Now, whether or not to intervene militarily, I don't think we have any other choice. The present military coup leaders in Haiti have had two or three chances to commit themselves to honesty and integrity, and they have not done that. They did not follow the Governors Island accord. They had a second chance to do this; they didn't do it. So I don't think that the policy of this country now should be to wait around for them to decide when they are going to do the right thing.

I disagree with what I hear some of our members who have visited Haiti say: those military leaders are good guys. They are not good guys, they are bad guys. They are bad guys committing to killing the breadth and the strength of their country. And they do it because they have no regard for their own people.

Thank you.

Mr. OWENS. Mr. Chairman, last week President Aristide issued a statement, and if the committee doesn't have copies of it, I would be happy to provide a copy of his position, which I think is quite clear. He did not endorse invasion because he would be setting himself up for impeachment if he did that.

But that statement is crystal-clear as to what his sentiments are, and I think if you read the statement, you will know what I mean. He is calling for enforcement of the Governors Island agreement, enforcement by the international community. That is as far as he can go, and I think that clearly is a clear statement to us, and it is an instruction almost as to where he stands.

Mr. TORRICELLI. There are few sovereign nations in the world whose constitutions would not prohibit by definition the loss of sovereignty to a foreign power. That, however, does not preclude an elected President from, consistent with national sovereign, calling upon police actions by other states for civil difficulties, for the maintenance of sovereignty—

Mr. OWENS. I think if you read his statement, you will find that that is what he is doing. He is calling for action by the international community to correct the situation. It is not an invasion, really, it is restoration.

Mr. TORRICELLI. Well, that is my point.

Mr. OWENS. Of the government which is doing—it is not an invasion. We keep saying “invasion.” It is the restoration of the government.

Mr. TORRICELLI. Therefore, President Aristide claiming that he could not endorse American military action because it is unconstitutional, indeed, in my judgment is insufficient.

Mr. OWENS. You say that he could not endorse military action because it is unconstitutional. He said he could not endorse invasion.

Mr. TORRICELLI. I only wanted to establish in my own mind, that a proper and unambiguous statement is a condition precedent. For military action the United States of America cannot be having military forces going into other nations where there are democratically elected governments, unless it is clear that it is at their, not only invitation, but insistence.

Mr. OWENS. I think Mr. Aristide would issue a statement in writing which is clear, and I would be happy to supply that to you. Unfortunately, I have to leave to go to the same meeting that Mr. Rangel had to go to.

Mr. TORRICELLI. I am afraid we are exhausting my witnesses.

Mr. Wynn, my apologies. You are next to be recognized.

Mr. SMITH. Mr. Chairman—

Mr. TORRICELLI. I know Mr. Owens is trying to get out the door, but I think if Mr. Wynn speaks quickly we can get to him before he does.

Mr. WYNN. Actually, I wanted to direct my questions at Mr. Smith and I will be brief in that regard as well, Mr. Chairman. Mr. Smith, if I recall before I had to step out, your recommendation was for the creation of a commission to create a national consensus on this question.

Mr. SMITH. A congressional commission which hopefully would reflect a national.

Mr. WYNN. In light of Mr. Rangel's remarks regarding our past President's informed policy, wouldn't you concede that creating such a consensus and having that sort—and having that kind of debate would in fact hamstring the President's flexibility?

Mr. SMITH. Well, the President would still have the flexibility. These would be nonbinding recommendations that would still have to be embraced by the President or rejected; it would be offered by responsible members, obviously starting with—let me just finish—starting with the Speaker right on down to—

Mr. WYNN. Was such a commission or consensus developed prior to Panama?

Mr. SMITH. To the best of my knowledge, no.

Mr. WYNN. Thank you.

Mr. SMITH. It is an irrelevant——

Mr. WYNN. I don't want to take much time. What is the timeframe for this process that you are envisioning?

Mr. SMITH. Forty-five day timeframe.

Mr. WYNN. At the end of 45 days, if Mr. Cedras has not stepped down, what would we—what would be your recommendation at that point?

Mr. SMITH. Well, the commission would meet, assess where we have been, where we are now and where we are going, and I am not going to prejudge what the consensus recommendation would be from that commission. Hopefully it would very much be an informed policy suggestion.

Mr. WYNN. I guess my point is if at the end of our study we ended up where we are today facing a crisis with health implications and the other implications that have been discussed considerably here today, would we not have basically wasted our time?

Mr. SMITH. Not at all. Again, the President has the capability to act unilaterally on a whole host of areas—let me finish. He would have that capability to do so. I believe we would be strengthening the President by having additional serious law makers from both parties looking at this, trying to provide for a consensus position. You know there is no easy answer. We all know that so well. When President Bush faced this problem and now President Clinton faces it, nobody has the panacea for Haiti. Hopefully, this will provide some additional insights so that we can formulate a sustainable policy that will work.

Mr. WYNN. All right. Thank you, Mr. Chairman.

Mr. TORRICELLI. Mr. Gallegly.

Mr. GALLEGLY. Thank you very much, Mr. Chairman. I will try to be brief so every member has a chance to ask a couple of questions.

Mrs. Meek, you made a couple of comments relative to the perception by many as it relates to our U.S. foreign policy, or the lack of foreign policy and the concern that many people are thumbing their nose at our foreign policy; is that correct?

Mrs. MEEK. The military coup.

Mr. GALLEGLY. Well, that they have thumbed their nose at the U.S.'s position as it relates to our foreign policy.

Mrs. MEEK. Yes.

Mr. GALLEGLY. Would you say that that would be in small part or significantly due to the administration's indecisive actions or change in positions on Haiti and other issues in the past 2 or 3 months?

Mrs. MEEK. No, I would not. I would say it is due to the belligerency of the Haitian military people, the coup that overthrew the government there. They are the problems that is where the blame is. It is not on the Clinton administration. A lot of people want Mr. Clinton to go in there and wave a magic wand and get everything corrected, but here we have a military coup that overthrew the government there and quickly took over everything. That country has no government, they have no—they have nothing there. They have a parliament that is afraid to act because they are under the throws of the military coup, and paramilitary attaches as well.

Mr. GALLEGLY. I am a little confused as to how another country's action would cause the image of the United States' foreign policy position to be one way or the other, rather than the actions of the United States on its own foreign policy positions.

Mrs. MEEK. Well, it has done that. The Haitian situation is a good example. It is a good model of what happens when we as a country will allow—and I must say that we were a little bit late with all of our policy, that is, to get a little bit deeper into the point. I see where you are going.

We should have acted sooner in Haiti, right after the Governors Island accord. The Governors Island accord was not honored by the attaches or the military coup leaders that signed this agreement. They did not keep that agreement. At the time the *Harlan County* came into the shore there, and they were scared off or frightened away, the policy of this country should have changed. I think that Mr. Clinton's policy is deliberate, but it is deliberative. It is too slow to have made the changes that I would have liked to have seen.

Mr. GALLEGLY. But it has changed several times.

Mrs. MEEK. Well, that happens when you are in a country where the dynamics are changing. Since Mr. Clinton first started with this and Mr. Bush as well, a lot of things have changed. They thought the Governors Island accord would work. They also thought the second one would work. They thought the sanctions would work, the first sanctions. Then they thought the further heavier sanctions would work. They have not worked.

Foreign policy can't be that inflexible. It has to be able to change, particularly when you are dealing with a country where there is no, quote, unquote, leaders, democratically elected leaders.

Mr. GALLEGLY. You have said that you definitely support the Clinton's policy as it relates to Haiti today, yet I understood you to say that you believe that invasion or intervention or whatever term we want to use is the only way that we are going to resolve this matter. Isn't that somewhat in conflict? Why hasn't the Clinton administration advocated that if, in fact, you agree with the Clinton administration?

Mrs. MEEK. Well, you need to understand to what extent I agree with the Clinton administration.

Mr. GALLEGLY. So you don't agree with them wholeheartedly.

Mrs. MEEK. The Clinton administration has not come out for invasion of Haiti. I personally feel that the only way that this whole thing, this quagmire can be resolved, is for the United States is to go into Haiti quickly and remove the military coup leaders. And when they remove those military coup leaders, by whatever means necessary, and also try to restore democracy to Haiti, I think that is the answer. But I am not the President. But I don't think that waiting around for any length of time to try and assuage the military leaders will resolve the problem.

Mr. GALLEGLY. Do you support an up and down vote of this House on the issue?

Mrs. MEEK. No, I do not. I think that is why we elected the President. We should not take away the President's prerogative and his ability to lead. That is why he was elected. Let him make

that decision. I don't think the Congress should make that decision. They are not constituted to do that.

Mr. GALLEGLY. Do you think the President is going to do that?

Mrs. MEEK. I don't know. I don't know what the President—if I were President, if you want to change this thing around, then I could speak for him. But right now, I don't know what he is going to do.

Mr. GALLEGLY. Well, there is no question that it is a very complex issue, and there is a lot of concern by many of us here that an invasion, intervention, again, whatever term you want to use, could exacerbate an already terrible problem as it relates to the assassination of many, many innocent people, and the people that I know as well as I know I am sitting here that you are firmly concerned about their well-being. I don't think there is any question in anyone's mind about that. I think we all want to get to the same place; maybe we just have a different way of getting there.

Thank you very much, Mr. Chairman.

Mr. TORRICELLI. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. Chairman, I came here primarily today, although I have just made about all of our meetings, but I came here primarily to listen to my colleagues and their views. I will say this, that we are hemorrhaging in Haiti and we are hemorrhaging in this hemisphere. There comes a point in time where we have used the power of the United States and different parts of the world to stop hemorrhaging there. We have done it whenever we can with international multilateral forces, and I think that is appropriate, and I think that it is appropriate to now see this administration moving forward to seek multilateral support by the appropriate organizations—to stop the hemorrhaging here in our own hemisphere.

But I particularly wanted to seek recognition to congratulate the gentlelady from Florida on her legislation which I was proud to join with her as a cosponsor. I believe that from the very start early on, she expressed what is the concern of many of us: if our immigration policy is to stand, it must be equal for all. And if not, it fails to have a fundamental basis in which it can be supported. And so I was glad to join with her.

I still support it, strongly support it and am ready to vote for it when it comes forth, and I also want to congratulate her on her work on behalf of the children that she brought from Haiti. I know that back in your district they reverently call you grandma, and your sense in that respect in terms of the children you brought from Haiti has served them well. It serves us well as a nation, gives us our better side, and I salute you for your work.

I also will take the opportunity to say that you have been a bridge-builder between our respective communities and for that of course I have a great deal of respect for you as well.

So we look forward to continuing to working with you on your legislation and on this issue.

Mrs. MEEK. Thank you.

Mr. TORRICELLI. Mr. Goss.

Mr. GOSS. Mr. Chairman, thank you for letting me participate in this panel as a—I guess ex-officio member of the Foreign Affairs

Committee still. I have a statement for the record which I would like to submit.

Mr. TORRICELLI. Without objection, entered at this point.

[The prepared statement of Mr. Goss appears in the appendix.]

Mr. GOSS. Thank you. I am sorry that some of our other witnesses had to leave. I well understand the pressing business. There are a couple of statements I would like to make about some of the statements they have made, which I think need correction. But I would like to ask my colleague from Florida, Carrie Meek, about some of her points.

You felt in your testimony that the sanctions are not working; did I hear you properly?

Mrs. MEEK. See, they just started. I think the sanctions have—the heavy ones have just been initiated about 8 weeks now. That hasn't been long enough for the real impact of the sanctions to take hold. I wish they could have been in there earlier, Mr. Goss, so that if they were going to work they would have had much more time than now to measure the efficacy of them.

Mr. GOSS. If they haven't worked in the past 2 months, even though they have been ratcheted up and gotten more intense, as I think you said, then it doesn't seem like, based on the other testimony here, that there is any indication that general Cedras is really going to leave and that Biamby, or if they do that somebody else just like them may not replace them, the question is why have the sanctions? What is the point of them? Why don't we lift them? Wouldn't that be better?

Mrs. MEEK. I think that perhaps in a matter of time, the sanctions will be lifted. I think so. I think because a lot of people are suffering both ways because of the sanctions, and I think that if we give them time, however, we might see some changes. I don't think there has been enough time for the sanctions to work.

But frankly, Mr. Goss, I don't really believe in sanctions as being the answer. Because sanctions are quite punitive on their own, and I think, as I said before, that the time is over now for us to use the kind of techniques we have been using in Haiti. You know where I stand in terms of Haiti.

I just feel that the sanctions have been there about 8 weeks; they haven't worked; it hasn't been a long time. Whether or not they will bring about the two things I think should happen, and that is to restore the restoration of democracy and to restore President Aristide, to answer your question, I don't think so.

Mr. GOSS. Well, I agree with you. I don't think they will either. I think you and I are in agreement on that. I know of your compassion. I know how sincere and real and heartfelt indeed that is. I know that you have just said it, the misery that going on because of the sanctions is something that none of us like. And if the sanctions aren't likely to work and haven't worked, then it seems to me there is no excuse for adding to the misery that we know is there and that frankly we are contributing to as a country. I find that very hard to accept. I think it is a very poor policy.

I would hope that you would encourage President Clinton to change his policy to lift the sanctions. Now, we may not agree on where we go after we lift the sanctions, but we agree if the sanc-

tions aren't working, probably aren't going to, why are we adding to the misery in Haiti? What is the point?

Mrs. MEEK. Well, not working right now.

Mr. GOSS. Well, if they are not working, let's get rid of them because we know they are causing trouble.

The second thing I wanted to point out, you did make a good deal of comment about the different standard question. I understand where you are coming from on that. Believe me, we have had the debate many times in our district and down in our area. I gather it is your view that Cubans and Haitians should be treated the same.

Mrs. MEEK. Yes. I think all of them should be treated the same. The fact that Cubans come in under the Cuban Adjustment Act, which gives them—there is no deadline to the time that they can adjust their status once they come to this country.

Mr. GOSS. There is no question, it is a different setup.

Mrs. MEEK. Yes.

Mr. GOSS. Would you prefer that the Cuban Adjustment Act be repealed?

Mrs. MEEK. Definitely not.

Mr. GOSS. So you would like to see a Haitian Adjustment Act made in order for Haitians?

Mrs. MEEK. That is right.

Mr. GOSS. My question is, what would be the ground rules for that? Would we also do it for Rwandans? Do we do it for what other countries under what conditions?

Mrs. MEEK. You have the U.S. immigration policy limits, certain kinds of immigration to this country, so I would say stick by that particular rule of thumb as long as you allow, go up to the amount of eligibility that you have at this time.

Mr. GOSS. What you are suggesting, I believe, if I understand your resolution properly, however, is that we treat Haitians differently and make them privileged?

Mrs. MEEK. No.

Mr. GOSS. Give them special attention?

Mrs. MEEK. No. I want to be sure that they get a chance to get a hearing. Right now the Haitians are not allowed a hearing.

See, if Haitians now leave Haiti, they are interdicted, if they happen to leave, they are interdicted, and they are not allowed to get to this country. But if a Cuban leaves Cuba, they are allowed to come to this country, and they will have a year or more to adjust their status. I guess that is what I am trying to say.

Mr. TORRICELLI. If the gentlewoman will yield.

Mrs. MEEK. Am I reaching your point?

Mr. TORRICELLI. This exact problem exists with the Chinese. Boats were found in the Pacific full of Chinese and they are also returned. This, as Mr. Goss is demonstrating intellectually, you have to extrapolate out, one could foresee virtually unlimited numbers of Chinese in exactly the same circumstances coming to the United States and demanding hearings. The Pacific may be larger than the Caribbean, but it has not proven to be a barrier. Therefore, you could be dealing potentially not with thousands, not even with hundreds of thousands, but with millions of people who, if we

are going to provide equity, would demand exactly the same opportunity.

Mrs. MEEK. I am not sure those are democratic countries you have alluded to.

Mr. TORRICELLI. Well, none of them are democratic countries. That is exactly the point.

Mrs. MEEK. But the Haitians have an established democratic leader and they are on their way to a democracy, the same way—

Mr. TORRICELLI. They are not living in a democracy. That is what is giving right to a human rights claim. They have a human rights claim, neither do the Cubans, neither do the Chinese, neither indeed probably do $2\frac{1}{2}$ or 3 billion people on earth. If we are to provide an identical status, I am just simply suggesting to you that as a practicality, this is a very large world.

Mrs. MEEK. My suggestion, Mr. Chairman, is that you allow the same chance to Haitians as you are allowing to Cubans.

Mr. TORRICELLI. Yes. And Mr. Goss and I are demonstrating that along with the Cubans and the Haitians come a good deal of other nations with very similar status. I am just trying to demonstrate the point.

Mrs. MEEK. Well, if you look at the record, there has been more Cubans coming into this country, about 1,200 of them a month Congress into this country. I am saying, I go back to my original premise, to allow Haitians the same freedom of access. That is if they are eligible, if they are eligible, allow them.

Mr. TORRICELLI. Mr. Goss.

Mr. GOSS. Well, I think the point has been well made, Mr. Chairman. I don't want to belabor it. One other point. I did want to point out what the administration has done to their credit is to try and establish safe havens around the area in the Caribbean. They have processing centers in a number of places in Haiti. I agree there may be a significant danger for some people to use those, not for everybody, but for some, that is clear, and it is also clear that there has been a magnet established which explained some of the exodus, that plus the misery level in the country.

But we do have processing centers and we are looking for others. And we had some testimony about what we—the thanks we should give to the Turks and Caicos Government, to the Bahamas Government. I am sure that we are expressing our thanks to them not only in words, but in dollars, for them helping us make a processing center, as well as to the Jamaican Government, as well as to many other governments where we have tried all levels of inducement to get these centers.

The administration really is trying. There is not a tremendous amount of receptivity to it, as you know, in the Caribbean at this point. But we do have some different safe haven areas, at least in theory, and Mr. Gray keeps telling me that we are going to get some. So we don't have to worry about getting these folks from Haiti to the United States; we need to just worry about getting them out of harm's way. And it seems when we do that, an awful lot of them do go back to Haiti. They choose rather to stay in the safe haven rather than go back to Haiti, which I think proves a point that we in fact have a lot of economic refugees.

But the one thing that has happened is that along the lines that you are trying to accomplish, and I would like your comment on it, is that Mr. Gray has told us that he has changed the level from a well-founded fear of persecution to a credible fear. Now, that is a much lower test, a much easier test and it certainly made it much easier for Haitians who feel that they may be endangered to get into a safe haven circumstance. Do you agree with that?

Mrs. MEEK. Yes, I do.

Mr. GOSS. Well, then, therefore we are basically taking care of the refugees. If we lifted the sanctions and took care of the refugees in those safe havens, why would we invade?

Mrs. MEEK. I think that we should invade Haiti, this is my opinion, unless President Aristide is restored. I think that the Haitians, any chance that they get will get on those rickety boats and come to the United States if Aristide is not restored. So that—the illustration you have shown there is one that is conjecture. That is, you just don't know what will happen.

But you do know one thing, based on what has happened in the past, that they will take to the boats and come to the United States. They will not take a boat and go to some other place as a safe haven, because I think what they are feeling when they get on those boats, as all immigrants feel, that this country is a country that has opened its arms to everyone, and they believe that woman who stands in New York harbor. So they would try to get here.

Mr. GOSS. Well, I think that that is probably true, and I think that part of that is that we need to have the rules applied equally, and I agree with you there is a disparity with the Cubans because of the Cuban Adjustment Act and the question is how to deal with that.

The other point, Mr. Chairman, I have taken a lot of time, and I wanted to just say that while Mr. Smith is here that I very much support what Mr. Smith is trying to accomplish in his resolution, because the point has been made by you very articulately that we are talking about here a democratically elected government that was partly deposed. The President was deposed, but the Congress, their parliament was not deposed.

Now, the problem in Haiti is they have a somewhat different constitution than we do, and their parliament happens to be a bigger player in their state of affairs in their governance, than in our country, curious as that may be. It doesn't seem that way, but that is the constitution of the country.

There happen to be some properly elected members of the parliament who have issued an invitation to us as parliamentarians, as Members of Congress, to come and talk about a negotiated solution dealing with legitimately elected people. They would like to have an exchange of groups between Members from this Congress, representatives from both Houses and all parties to go there, and then a reciprocal exchange up here, to see if there isn't a better way to resolve the problem and take the moderate approach to democratic institution-building and to isolate the extremists in this issue.

That, of course, allows for the opportunity to deal with the Aristide question and all of the positive things that we should be

talking about for the people of Haiti instead of ratcheting up the misery level even more with these sanctions, threatening innocent victims as well as the military down there with the threat of an invasion, and going about the business of restoring democracy through a negotiated parliamentary type settlement.

Now that seems to me to be a credible idea. Mr. Smith has brought it to the attention of this subcommittee appropriately. The Chairman has spoken to the fact that we do in fact still have some democratically elected people in Haiti. Yes, there are limitations on how much they can do. Freedom has surely been shut down to a degree, and that is something they have asked us to talk about. And I believe that we should proceed with that process.

Do you disagree with that?

Mrs. MEEK. I disagree because I have a time constraint. I don't think that we have 45 days to decide or deliberate as to what will happen in Haiti. I go back to my original premise. I believe that the United States should either through unilateral or multilateral help quickly go into Haiti and clear the military coup leaders out. That is the first thing.

Mr. GOSS. If we did that, what would happen? Who would take over?

Mrs. MEEK. Well, then after that there should be a peacekeeping force left there from OSA.

Mr. GOSS. How big?

Mrs. MEEK. You know, I am not a military planner.

Mr. GOSS. These are peacekeepers.

Mrs. MEEK. I will just say the peacekeepers, a credible amount of them that would keep the peace in Haiti. I can't tell you how many.

Mr. GOSS. 15,000? If I told you the Secretary General suggested it would be somewhere around 15,000, would that sound about right?

Mrs. MEEK. If that is what the Secretary General said, yes.

Mr. GOSS. That is a lot of people.

Mrs. MEEK. Yes.

Mr. GOSS. So those people are going to be down there. Then what happens?

Mrs. MEEK. I think that when they get there they should begin immediately to assist in the rebuilding of the infrastructure in Haiti, that is to be sure that Haiti is built back, that there is infrastructure placed after the government is given the kinds of resources that they need to rebuild their country, and they will also see to it that the democratically elected leader is returned to Haiti without harm, that is if there are peacekeepers there.

Mr. GOSS. They are going to guarantee the personal safety of Aristide?

Mrs. MEEK. They could not guarantee it, no, I don't think anyone could do that.

Mr. GOSS. But you think we would go back unless he had such a guarantee?

Mrs. MEEK. I don't know. I am sure if I were President Aristide I would not go back to Haiti unless I had some assurance that there would be some peacekeepers there.

Mr. GOSS. Why don't we get just three more people like Cedras and Biamby and Francois, wouldn't we just get more of those people?

Mrs. MEEK. I don't think so.

Mr. GOSS. What would stop them?

Mrs. MEEK. I don't think so. I think what would stop them if Aristide were there, that the multitudes there—you know, he was not appointed, he was elected by over 67 percent of the Haitian public. So that means that there are people there who want him in office.

Mr. GOSS. Well, then he should go back today.

Mrs. MEEK. Well, that is conjecture, too.

Mr. GOSS. We just heard that he could be restored. This is a restoration, I believe the distinguished gentleman from New York said. If this is a restoration, then why doesn't he just go back today?

Mrs. MEEK. I guess we are going around sort of in a circle here.

Mr. GOSS. I am trying to point out that the invasion doesn't get us anything.

Mrs. MEEK. I think it does. I think it gets us a democratically elected leader who has a capacity to lead the people of Haiti in a democracy. I think that is what it gets us, and I think that is crucial to the restoration of democracy in Haiti.

Mr. GOSS. Mr. Chairman, thank you. I have taken a lot of time. You have been very generous.

Thank you.

Mr. TORRICELLI. Good having you back, Mr. Goss. Mr. Payne.

Mr. PAYNE. Thank you very much, Mr. Chairman. I am sorry that I missed most of the—or all of the testimony, other than this last exchange, and I would concur with the lady from Florida that it seems to me that if we leave the status quo, and I might want to ask Representative Smith, I understand you are, from what I have been able to understand, proposing a commission to study—how long would the study last and what would it be intending to do?

Mr. SMITH. The commission would have a 45-day lease of life; it would be made up of the leadership of the appropriate committees of jurisdictions like the Armed Services, Appropriations Committee, the Intelligence Committee, the Foreign Affairs Committee, the Majority Leader, Minority Leader, the Speaker of the House or their designee. In total, approximately 20 people would be a part of this commission.

The commission would look at the political, the economic, the humanitarian implications of our standing policy; they would determine where we have been, where we are going, and hopefully it would very quickly undertake a mission, a CODEL, if you will, to Haiti to open up lines of communications with virtually everyone responsible, and perhaps those who are even irresponsible if you are talking about the ranking leadership. Communication lines would be open with those who have power to talk about a negotiated settlement or whatever else those commissioners want to bring to the table. I think it would enhance the President's position.

The President has tried a myriad of ways to try to resolve this very vexing problem but to no avail. As we spoke about earlier, many, many children are suffering and dying.

I know if I put my children in that situation, and I am sure you would feel the same way, I would question the wisdom of the policy. If I saw my 6-year-old or 8-year-old or 10-year-old dying of malnutrition or dying of some preventable disease that can be directly linked to the sanctions, I would reconsider the policy. Now, there is absolutely no solace whatsoever in the dictatorship in Port-au-Prince. They have acted absolutely irresponsibly.

But, the hope is that we will continually reassess whether or not the tools we are using would bring about democracy and a humanitarian Haiti. I think it behooves us not to stay in one place, no, we should not just sit back and wait. I do think we need to be constantly reassessing our policy.

This commission would bring Congress into the forefront, working as a partner with the President. It does not preclude any option that the President might want to undertake, including if he feels that U.S. lives or some other national vital interest would warrant an invasion. It would not preclude that. The President still has certain prerogatives that obviously accrue only to the Commander in Chief.

But I think we talked tangentially about this issue over and over. I think this would give us an opportunity to develop a consensus. The policy in Haiti is not going to be resolved within 6 months.

There are long-term problems, and I think the commission would become a springboard for a consensus that will be sustainable. We are talking about the infusion of 15,000-plus peacekeepers after perhaps the peacemakers leave. There needs to be a sustainable policy there that will last not just months, but many, many years. The Commission would have 45 days to do its job, but again it does not tie the President's hands at all, it offers additional hands which I think need to be added to this equation.

Mr. PAYNE. I think that—thank you very much. I think that when that proposal was made by Senator Dole, I think it was overwhelmingly endorsed by General Cedras, which of course helped its immediate defeat in the Senate. It appears to me that the Governors Island accord gave those same responsibilities. It was a broadening of the government. President Aristide made concessions that he did not want to do and initially was unwilling to do. Cedras said he would leave by October 15 and Francois Michael was going to be sacked and that the army would be retrained and the police would be retrained. But we found that Cedras and Francois and others who were in control said no.

What would make you feel that a 45-day commission would change these fellows? They have made agreements in the past and they have reneged on them.

Mr. SMITH. In response, let me just ask you, because you did bring up the possibility that General Cedras supported the Dole initiative and perhaps is supporting this. Didn't he also support the Governors Island agreement?

Mr. PAYNE. Yes. And I think that is the reason——

Mr. SMITH. And signed it. We would agree that it was a very good agreement. His support of this, I would say to my friend,

should in no way be used as a negative, as it was manipulated in the Senate.

Mr. PAYNE. You asked me a question. Let me answer my good friend from New Jersey, we are New Jerseyans here and Floridians it seems, it is interesting. But to have such different views from two different places. Because General Cedras proved with the Governors Island Accord, I think you sort of answered my question, evidently his word means very little. And secondly, that it is very clear he has no intention, in spite of—I didn't hear Mr. Richardson, but he had a nice lunch with him or dinner and was impressed because he is an impressive person, educated, well-trained, well-schooled, much by our intelligence people in the past. And so if you meet him for the first time, you know, you become impressed.

I think there was a Governor Rodney from Michigan that went over to the Far East and he was brainwashed. He fought—it was one thing after he came back and fought through it and time proved that he was wrong, and I wish Mr. Richardson was here so we could explore his 5-hour meeting with Mr. Cedras to find out what convinced him that this person was ready to be fair. But I just believe that these military leaders are not willing or interested in turning over power.

Secondly, I don't know where these numbers of 15,000 for several years of peacekeepers come from, because it would appear to me that a retrained military, although downsized, would be able to take over any kind of responsibility or the creation of a police department throughout the island of Haiti, would be able to maintain law and order. And I personally don't buy the need for 5-year occupational force of 15,000 people staying in Haiti.

I think that this is—I don't know where the numbers come from. I have no idea how people justify that. And as a matter of fact, I think that the majority of the persons really in the military, actually the rank and file, are supporters of Aristide. And that the leadership is what have led them in the direction of allowing brutality and murder and corruption to be the way of the army.

So I just was interested in the rationale that Cedras would, after the 45-day commission gave its report, would then abide by whatever they came up with.

Mr. SMITH. That is not what the commission intends on doing; it doesn't have that capability. The commission would study, review and hopefully make a site visit with Members of the House and Senate; it would review policy options vis-a-vis Haiti, hopefully make recommendations that will be in the best interests of the children who are suffering so cruelly in Haiti; the commission would meet with all key players and hopefully a dialogue would emerge that could lead to a solution. No one knows and can pre-judge that in advance.

I would agree with you and agree with many others that General Cedras is waiting this out. But, as Mr. Richardson did in his conversations with General Cedras, if avenues and links are established between other sectors in that country, we might be able to find some resolution short of additional bloodshed. And that is part of what I am trying to resolve here.

I also think the crisis would get many more responsible eyes. Congress, as you know, has used commissions in the past both for

foreign and domestic policy when a problem seemed to have no real solution. The commission may prove to go nowhere if it were to be configured, but it might open up opportunities. You know, just recently we had another breakthrough in the Middle East process. And I think dialogue is preferable to conflict.

We all remember the day when mere contact with Yassar Arafat was construed to be a crime of some sort, and the breakthroughs that occurred through dialogue has now led to a very fragile peace in the Middle East. Perhaps a commission could help ratchet toward a peaceful resolution. That is my hope.

Again, the Chairman has articulated his view on this, as have Mr. Goss and others, and I think the untold suffering visited upon the children of Haiti has to rank high on our list of concerns. I have spent my 14 years in Congress fighting for child survival funds and fighting for more money to immunize or rehydrate kids and to protect them from preventable diseases. The record is clear. I have offered amendment after amendment, in our Foreign Affairs Committee and on the floor, to get higher levels of funding for those kinds of programs because children are the most precious of all in our society. And I know you share this concern, to see so many kids dying, the morbidity and the mortality of these kids is frightening. This is not to give solace to Cedras and others. We have to look at the means and try to bring democracy to that country.

Mr. PAYNE. I asked the Chairman to yield for another minute to just say that I would like to commend you for your consistency. There is no question that you are probably one of the only Members of Congress that I know who is consistent on your stand on the right to life, but also opposition to death penalty and you have a consistency in your position. Although I disagree philosophically with it, I have to commend you for the fact that you don't say one thing on one hand and then say just the opposite.

You know, some of the biggest proponents of right to life like you are the strongest supporters of the death penalty. You know them well. And so I just say that I do have to commend you on that.

And the final point is that I too feel that the children must be saved. I just think that the way to save the children is to remove the tyrants, to remove them quickly. I don't think that they should continue to suffer. That is why I support a military intervention, and to hold these military criminals on trial.

They should be told for the last time either leave or stay and face war crimes or other kinds of crimes against humanity that should be brought to bear. Cedras stays, then he stands trial, period.

Mr. TORRICELLI. Mr. Gilman, do you have anything you would like to add for the committee?

Mr. GILMAN. Well, Mr. Chairman, I regret I was delayed, we had other meetings this afternoon. I want to commend you for conducting the hearing at this time.

It is such a troublesome problem to all of us, that I think we need to fully explore whatever initiatives can be undertaken before we embark on any hostile action, and a number of us have written to the President. I just would like to remind my colleagues that a majority of the parliamentarians in Haiti wrote to us recently reminding us that they would like to see a bipartisan commission ap-

pointed to go down and take a good hard look at the issues on all sides and come back and make recommendations. And I for one think that is worthwhile exploring, if it is not going to unduly delay whatever has to be done to bring about a full resolution of this issue.

Mr. TORRICELLI. Thank you, Mr. Gilman, very much.

That, of course, is the substance of Mr. Smith's proposal. Mrs. Meek also has legislation before the committee, as does Mr. Delums. The committee is, of course, open to considering any and all of those legislative proposals.

I would invite their authors to attempt to construct a majority on this subcommittee, given any evidence whatsoever that that is possible, I would be glad to proceed with any and all.

I thank our witnesses for their testimony, and for their patience today, the members for their attendance. The committee is adjourned.

[Whereupon, at 4 p.m., the subcommittee was adjourned.]

APPENDIX

OPENING STATEMENT REP. ROBERT G. TORRICELLI SUBCOMMITTEE ON THE WESTERN HEMISPHERE HEARING ON HAITI: VIEWS FROM CONGRESS

JULY 27, 1994

With planning already underway for a military invasion of Haiti and with the Clinton Administration already seeking approval for such an invasion in the United Nations, the time is at hand for the U.S. Congress to express its opinion.

Today, we have called together several Members of this body who have strong views on Haiti and who have offered different legislative approaches to the crisis. It is our sincere hope that the Clinton Administration will be listening.

It is my belief that a United States military invasion of Haiti cannot be justified unless we are prepared to step in and run the government until democracy has fully taken hold -- a process that could take a decade or more. I do not believe that the American public is ready for that responsibility, and I further believe that American parents are not prepared to send their children into battle over an island that holds no great strategic importance to the United States.

We are all frustrated and angered by the actions of the illegitimate military leaders who rule Haiti. But we cannot allow our frustration to cloud our good judgement. Just because we support democracy and oppose totalitarianism does mean that we can simply invade every country that fails to meet our high standards. According to such logic, we would already have invaded Cuba, North Korea and Iraq.

We cannot overlook the fact that while we can help, the ultimate responsibility for restoring democratic rule to Haiti rests with the Haitians themselves. We can provide training, we can provide economic assistance and we can isolate the military regime, but it is the Haitian people who must restore democracy and make it work. That is not to say that the task facing the Haitian people is not difficult, or indeed, in the near term, impossible. But at some point we must recognize that the United States cannot do for Haiti what the Haitians are not willing to do for themselves.

Finally, while we will hear different approaches to the Haitian crisis today, let the military leaders who are occupying Haiti make no mistake: the American people and their elected representatives are united in their refusal to accept the illegal coup. We will not rest until democracy is restored to Haiti.

I thank my colleagues for appearing before us today. I look forward to your testimony.

BUILDING CONGRESSIONAL CONSENSUS ON HAITI

Statement of

The Honorable Christopher H. Smith

Subcommittee on Western Hemisphere Affairs

July 28, 1994

Mr. Chairman, I appreciate very much your scheduling today's hearing, as requested, about congressional legislative initiatives dealing with the crisis in Haiti. A number of legislative proposals addressing the wide range issues affecting U.S. policy towards Haiti have been sponsored by our colleagues, and I am hopeful that beginning today, we will have a full airing of the issues dealing with this vexing crisis.

I would also request that the Subcommittee move forward on my -- our -- initiative, Mr. Chairman, to help build a congressional consensus on Haiti. Frankly, all the other policy questions and respective pieces of legislation would be predicated on such findings. The Haitian crisis demands our full attention.

Introduction of Resolution

Mr. Chairman, as fellow sponsor of H.Con.Res 264, you know the resolution we introduced would establish a congressional commission for the purpose of thoroughly assessing the humanitarian, political and diplomatic conditions in Haiti, as well as presenting alternative options for U.S. policy. Such policy options could help forge an informed, sustainable consensus within the Congress, and possibly among the American people, on what action the United States should take.

The proposed Commission would be bipartisan, and would be representative of the Committees which have legislative jurisdiction in carrying out such options. In addition to actually seeing the conditions in Haiti and meeting with a broad section of Haitian political, religious and civic leaders, the Commission would receive testimony from experts on Haiti and Haitian culture, human rights, health needs and social welfare, as well as individuals who are experienced in political institution building, and diplomatic processes and negotiations. We would envision a CODEL to Haiti would include meetings with non-governmental organizations which have been providing humanitarian assistance to millions of Haitians, church leaders, including the Papal Nuncio Archbishop Lorenzo Baldisseri, top government leaders including members of the Chamber of Deputies, labor unions, educators, journalists, U.S. Embassy personnel, and others who have been in the political arena.

You may be interested to know that several years ago, I was joined by our colleague, Representative Tony Hall, and others in being appointed by the Speaker of the House to a ad hoc commission to assess the needs of the Kurds fleeing their communities in Northern Iraq. In that case, the report from our delegation played a pivotal role in focusing U.S. policy towards the humanitarian needs of the Kurdish population fleeing northern Iraq into Turkey. While the Haiti Commission's mandate would be significantly larger in scope, serious, thorough and bipartisan efforts to identify possible solutions have proven to be productive and consensus-building. I do believe we need to build a consensus on Haiti.

Mr. Chairman, I believe the President should not treat the public's opposition to an invasion as frivolous. The latest polls indicate that Americans are strongly opposed to military intervention in Haiti. Public opinion polls can serve as a barometer of how the American people are reacting to policy decisions and actions by their government. On the other hand, Mr. Chairman, polls cannot lead policy decision making, that can only be done on the basis of informed consensus. I believe that a bipartisan, broad-based commission of Members whose committee assignments thrust them into the middle of such issues can play a key role in building that necessary, bipartisan, and informed consensus within Congress.

Invasion, What is the Consensus Today?

From Haiti, we have received the clear message from 48 members of the Chamber of Deputies in their July 1st letter to leaders in the House and Senate: "The dire consequences of Haiti's political crisis in addition to the sanctions for our society and economy are increasingly evident. We are certain, however, that foreign military intervention cannot provide a foundation for a lasting solution to Haiti's problems. It must be noted that as Parliamentarians we firmly oppose the very idea of a military intervention which is, in any case, reproved by the different sectors comprising Haitian society."

One of the signers, Chamber of Deputies Member Duly Brutus, recently wrote in an Op-Ed, "It would be ironic -- as well as tragic -- if the United States, in the name of democracy, were to intervene militarily to achieve the return of President Jean-Bertrand Aristide to Haiti. It is hard to think of anything that would do more damage to democracy. No reputable political leader or party in all of Haiti -- including Aristide -- welcomes the use of military force to achieve his return."

Charles Schomaker, President of American University of the Caribbean, located in Les Cayes, Haiti, wrote in a June 20th letter, "The proposal of an invasion is not the answer. I have talked with pro-Aristide supporters and pro-military supporters and both HATE the idea of American troops on the soil of Haiti. I truly believe many [of] Aristide's supporters will oppose American troops on Haitian soil."

Former Assistant Secretary of State for Inter-American Affairs Elliott Abrams has warned, "Sending U.S. soldiers into Haiti as Mr. Aristide's private army would be a terrible mistake. U.S. policy should no longer be based on Mr. Aristide."

In their May 20th pastoral message, the bishops of the Haitian Episcopal Conference [Catholic Bishops] proclaimed, "Our people are dying, our country is on the brink of ruin. Our nation is threatened with destruction by an armed intervention from abroad. We want to express our profound sorrow and rejection of all that may bloody our land. We wish also to sound a cry of alarm at the real danger of our losing our sovereignty."

According to the July 20th USA Today/CNN/Gallup poll, 84 percent of Americans oppose U.S. military intervention in Haiti.

Former National Security Adviser Brent Scowcroft, and former NSC staff member Eric Melby, warned in their Op-Ed: "If the Administration orders an invasion to restore

President Jean-Bertrand Aristide, it will be making a grave mistake...Even if, given our superior forces, Father Aristide were back in office within a few days, in the long run an occupation would immerse us in the morass of Haitian nation-building -- a futile exercise, surely Haiti has struggled unsuccessfully with this task for nearly two centuries."

President Aristide himself recently remarked on a National Public Radio, "I am against a military invasion."

Humanitarian Concerns

The state of malnutrition, disease and morbidity in Haiti is appalling. The statistics of Haiti have always ranked the country very low in comparison with other countries in the region. U.S. AID's Monitoring Report from last November was comprehensive, with monthly updates since then. According to these reports, over the last two and one-half years, third degree malnutrition (which is the most severe of the malnutrition rankings) for children ages 0 to 5 years is abnormally high in the southern part of Haiti, a part of Haiti which historically has had relatively better nutrition rates. With respect to morbidity, reported cases of diarrhea, malaria, and acute respiratory infections have all risen over the past several months. Low birth weight babies, in the northwest of Haiti have risen from 6.25% to a stunning 16.7%. In Port-au-Prince, the rate rose within one year from 10% to 15% in November 1993. By February, the report indicated that the upward trend reflects a "precarious and worsening nutritional status of pregnant women."

According to CARE which is working in northwest Haiti, the price of food has risen more than 100% over the last year. These statistics are particularly detrimental because of the long-term effects. Families are divesting their assets, selling their income-producing capital simply to feed their families, and further degradation of the environment for fuel. These disturbing trends are not only of concern in the short-term, but sadly are creating more of a welfare state which takes many more years to overcome.

The President has Flip-flopped Too Many Times

As a candidate, Mr. Clinton criticized President Bush's decision to repatriate Haitian refugees. On May 27, 1992, Candidate Clinton said, "I am appalled by the decision of the Bush administration to pick up fleeing Haitians on the high seas and forcibly return them to Haiti before considering their claim to political asylum...This policy must not stand. It is a blow to the principle of first asylum and to America's moral authority in defending refugees around the world...[and] is another sad example of the administration's callous response to a terrible human tragedy...if I were president, I would -- in the absence of clear and compelling evidence that they weren't political refugees -- give them temporary asylum until we restored the elected government of Haiti."

On January 14, 1993, before he even took his oath of office, President-elect Clinton reversed his stance and announced his continuation of the Bush refugee policy. He said in a radio address, "the practice of returning those who fled Haiti by boat will continue, for the time being, after I become President. Those who do leave Haiti...by boat will be stopped and directly returned by the United States Coast Guard."

President Clinton announced in May 1994, that the repatriation policy would change, and on June 16th refugees picked up at sea would have asylum hearings aboard Navy ships. The magnet of the refugee policy encouraged thousands upon thousands of Haitians to set out to sea. The floundering President again changed his policy on July 5, allowing only refugees who apply at processing centers in Haiti to relocate in the U.S., if qualified, and all other refugees found at sea would be relocated in safe havens. And, even with the safe haven policy, poor diplomatic communication has led to embarrassing international misunderstandings.

Conclusion

Mr. Chairman, I am certain there is unanimity among Members of Congress on this point: One realm of leadership in which no President should be ambivalent or unclear in his policy is in the commitment of U.S. troops.

It is essential, Mr. Chairman, that the United States not be tempted to pursue an expedient policy in Haiti which would likely include military intervention, but we must make the right decision on U.S. policy. Rather than slide into a military invasion of Haiti, I firmly believe that we in the Congress must seek out the best alternative policy for the United States.

103D CONGRESS
2D SESSION

H. CON. RES. 264

Establishing a congressional commission for the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1994

Mr. SMITH of New Jersey (for himself Mr. TORRICELLI, Mr. GILMAN, Mr. HYDE, Mr. HALL of Ohio, Mr. LIVINGSTON, Mr. GOSS, and Mr. EMERSON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Establishing a congressional commission for the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti.

Whereas the American people eagerly support a peaceful transition to a democratic and representative government in Haiti;

Whereas Haiti's elected President who is in exile and the de facto ruling junta in Haiti have reached an impasse in their negotiations for the reinstitution of civilian government;

Whereas the extensive economic sanctions imposed by the United Nations and United States against the de facto rulers are causing grave harm to innocent Haitians;

Whereas private businesses and other sources of employment are being shut down, and the continuation of the comprehensive economic sanctions are causing massive starvation, the spread of disease at epidemic proportions, and widespread environmental degradation; and

Whereas an armed invasion of Haiti by forces of the United States, the United Nations, and the Organization of American States would endanger the lives of troops sent to Haiti as well as thousands of Haitians, especially civilians: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring),*

3 **SECTION 1. ESTABLISHMENT AND DUTIES.**

4 There is established a congressional commission to
5 assess the humanitarian, political, and diplomatic condi-
6 tions in Haiti and to present to the Congress a report of-
7 fering appropriate policy options available to the United
8 States with respect to Haiti. The Commission shall call
9 upon recognized experts on Haiti and Haitian culture, as
10 well as experts on health and social welfare, political insti-
11 tution building, and diplomatic processes and negotiations.

12 **SEC. 2. COMPOSITION OF COMMISSION.**

13 The Commission shall consist of the following Mem-
14 bers of Congress (or their designees):

1 (1) The Speaker of the House of Representa-
2 tives.

3 (2) The minority leader of the House of Rep-
4 resentatives.

5 (3) The chairman and ranking Member of the
6 following committees of the House of Representa-
7 tives:

8 (A) The Committee on Appropriations.

9 (B) The Committee on Foreign Affairs.

10 (C) The Permanent Select Committee on
11 Intelligence.

12 (D) The Committee on Armed Services.

13 (4) The majority leader of the Senate.

14 (5) The minority leader of the Senate.

15 (6) The chairman and ranking Member of the
16 following committees of the Senate:

17 (A) The Committee on Appropriations.

18 (B) The Committee on Foreign Relations.

19 (C) The Select Committee on Intelligence.

20 (D) The Committee on Armed Services.

21 (7) The chairman and vice-chairman of the
22 Congressional Hunger Caucus.

23 **SEC. 3. REPORT OF COMMISSION.**

24 Not later than 45 days after passage of this concur-
25 rent resolution, the Commission shall submit to the Con-

- 1 gress a report on the Commission's analysis and assess-
- 2 ment of appropriate policy options available to the United
- 3 States with respect to Haiti.

MAJOR R. OWENS
17th DISTRICT NEW YORK
COMMITTEE ON
EDUCATION AND LABOR
COMMITTEE ON
GOVERNMENT OPERATIONS



Congress of the United States
House of Representatives
Washington, DC 20515-5211

Statement of Congressman Major R. Owens
Before the Subcommittee on the Western Hemisphere of
the Committee on Foreign Affairs - July 27, 1994

THE OFFICIAL HAITI POSITION OF THE
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With respect to Haiti policy it is important to note that very lengthy past deliberations have produced CBC policy positions which are consistent with the principles and priorities of the CBC and with their understanding of the urgent life and death nature of the Haitian crisis. Although no actions have been taken to rescind any previously adopted positions, the highly charged current atmosphere has led to the generation of statements which unnecessarily present a distorted view of CBC solidarity. Some commentators, Congressmen and Senators are projecting the image of an arrogant, rabid, solidly unified CBC dictating U.S. policy on Haiti. This is a blatant, racist attempt to sabotage the new Clinton initiative. On the other hand some CBC members are stating that the CBC has no position on military intervention. At this point in this escalating situation it is important to review the record and provide the opportunity for an official restatement of the CBC position.

In the Spring of this year, 1994, the CBC set forth a "Serious Sanctions Initiative". This initiative was first expressed in a letter to President Clinton. The contents of the letter were later incorporated into HR 4114, as a legislative expression of the CBC position. Some of the mandates contained in HR 4114 have been implemented. Following the dismissal of Mr. Pezzulo and the appointment of Bill Gray, the Clinton administration has undertaken for the first time a "Serious Sanctions Initiative". The one important segment of HR 4114 that has not been adopted is the section demanding that the Haitian asylum policy be administered in the same way that asylum for all other refugees is handled. We called for an end to the racist double standard being applied to Haitian refugee cases.

The Congressional Black Caucus reaffirms its position as clearly set forth in HR 4114. We fully support the administration in its implementation of certain of the mandates proposed in HR 4114 -- strict sanctions, freezing of assets, denial of visas, etc. We deplore the fact that the administration has refused to implement the provisions of HR 4114 which relate to the end of the double standard with respect to asylum cases. While we applaud the ending of the forced return of refugees to the killer regime in Haiti, we are fearful that the foreign soil safe-haven approach presently being utilized sets an outrageous precedent. A recent suggestion that some of the Haitian refugees be shipped "back to Africa" will open the door to a new dimension of the evil of applying a double standard for people of African descent. It remains the strong

position of the CBC that HR 4114 should be implemented in its entirety.

HR 4114 did not rescind any previous CBC positions. At the meeting where this "Serious Sanctions Initiative" was adopted we stated that the previous policy was not being rescinded but was being placed on a "back burner" while we emphasized the fact that "all had not been done that could be done" with respect to the full application of non-violent pressure on the criminal regime in Haiti. Following the dismissal of Mr. Pezzulo the administration chose to pursue a parallel strategy of serious sanctions and a highly visible military option. The media and national leaders have chosen to focus intensely on the "invasion" possibility. The question of military intervention has been catapulted onto a "front burner" and the CBC is now in a position where it must answer the bombardment of questions about its position. On the record our official position stands as adopted on October 27, 1993 with only one dissenting vote. For purposes of clarification the following section of the statement of our October 27th position is quoted:

"Therefore Be It Resolved:

That for all of the reasons stated and findings listed above, President Clinton should reaffirm that the strengthening of democracy in Haiti and the establishment of stability and economic development in Haiti based on self determination is a vital interest of the United States; and,

That all necessary means, including protective military force, should be utilized to complete the objectives of the Governor's Island Agreement on schedule; and,

That immediate, emergency steps should be taken to provide protection for all elected officials of the constitutional government of Haiti and their families; and,

That whatever steps are necessary should be taken immediately to provide the constitutionally elected government of President Aristide with the necessary facilities and resources to train an army of Haitian Freedom Fighters to serve as a counter force to the existing army of drug smugglers and killers; and,

That a campaign led by the President and the leaders of Congress be initiated to inform the American people of the historic vital interest position assumed by the United States with respect to all political and military events occurring within the Western Hemisphere generally, and specifically in Haiti; and,

That the Clinton Administration should enunciate and declare an updated positive policy version of the Monroe Doctrine which declares that the United States will do everything in its power to promote democracy and economic development within this hemisphere."

STATEMENT BY
HONORABLE BILL RICHARDSON
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS
COMMITTEE ON FOREIGN AFFAIRS
July 27, 1994

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee to present my views on Haiti. I recently concluded a visit to Guantanamo Bay, Cuba, Grand Turks Island, the Dominican Republic, and Haiti as part of a comprehensive examination of issues surrounding Haiti. I undertook this fact-finding mission in my individual capacity as a Member of Congress and a Member of the House Intelligence Committee. Contrary to press reports, I did not undertake this mission at the behest of the Administration, nor was I acting as a secret envoy. I did not deliver any message on behalf of the White House, nor did I deliver any ultimatum to General Cedras. Likewise, upon my return to Washington, I was not carrying any message from General Cedras for delivery to President Clinton.

Approximately eight weeks ago, I joined two of my colleagues, Congressmen Julian Dixon and Jack Reed, on a congressional delegation to Haiti. While in Haiti, we met with human rights officials, Aristide supporters, and a range of Haitian political and business leaders. Regrettably, General Cedras refused to meet with the delegation despite the intense efforts of the U.S. Embassy to arrange such a meeting. Upon my return to Washington, I voiced my displeasure at not having had an opportunity to speak with General Cedras. I was subsequently informed by Cedras' representative that a meeting with General Cedras might be facilitated if I desired. No American official had met with General Cedras since March, and I viewed the offer of such a meeting as a unique opportunity to solicit General Cedras' views on the Haitian crisis and to underscore U.S. resolve toward the restoration of democracy in Haiti. General Cedras confirmed the invitation in a fax to my office I received July 15.

On Monday, July 18, I met with General Cedras and the rest of the military high command at General Cedras' home. The meeting lasted for approximately five hours. During that time, I took the opportunity to advise General Cedras that I supported President Clinton's Haiti policy. I specifically informed the General that the Governors Island Agreement had to be resuscitated and that he must resign his position and permit

the restoration of President Aristide's government. I further informed General Cedras that I was personally opposed to any unilateral military intervention. However, I advised the General, in no uncertain terms, that if the President ordered a military intervention, I would support the President in his decision. I underscored the need for General Cedras to act immediately, as time was running out and a growing consensus was building in the Congress for more affirmative action to restore Aristide to power.

Having visited Haiti two months ago, provided me with an excellent framework from which to judge the effectiveness of the sanctions. Two months ago, based on the number of gasoline vendors on the streets of Port-au-Prince, it was hard to fathom that any embargo existed. Today, however, the numbers of gasoline vendors are substantially less than eight weeks ago, and traffic on the streets is significantly reduced.

Occasional power outages which affect every sector of the population continue to occur in Port-au-Prince. During my meeting with General Cedras, he acknowledged that the sanctions were biting and that they were, in fact, hurting the military. As an example, General Cedras

cited a situation where a soldier was shot, transported to the hospital, but could not be operated on because no electricity existed. That soldier subsequently died.

Despite the obvious impact of the sanctions, there continues to be significant leakage along the Haiti-Dominican Republic border. I personally witnessed border violations during my visit to Haiti. I crossed the border area from the Dominican Republic at Jamini. This region is most popularly referred to as "Kuwait City," due to the large volume of fuel that moves through the area. While being processed by Haitian Customs officers, I saw small boats loaded with barrels, apparently used for transporting fuel, transversing the river between Haiti and the Dominican Republic. I might add that this activity took place during daylight hours and apparently with little or no concern shown by both the Haitian and Dominican authorities posted along the border.

It is my understanding that the United Nations monitoring team will arrive in the Dominican Republic within a couple of weeks to assist in monitoring the border. Additionally, I am aware that President Clinton recently approved a transfer of equipment, including helicopters, to the Dominican Republic to further assist in its enforcement efforts. Nevertheless, I remain skeptical of the Dominicans' ability to seal the

border and thus give the sanctions the strongest teeth possible. My skepticism is based upon my belief that resolve on the part of the Dominican military is lacking. This lackadaisical attitude is fueled by the financial gains that can be made through trafficking contraband along the border region. Despite this view, I am confident that some improvements will be made and that the impact of sanctions will continue to be felt by all Haitians.

Mr. Chairman, I also had the opportunity to visit Guantanamo Bay, Cuba and Grand Turks Island in the Turks and Caicos. While there, I reviewed the refugee processing operations. Brigadier General Mike Williams is Commander at Joint Task Force 160, which is responsible for the refugee processing operation. Presently, there are approximately 16,000 Haitian refugees at Guantanamo Bay. Our men and women of the Armed Forces assigned to JTF-160 are doing a fantastic job. The refugee camps are sanitary and well organized. Within the camps, specific areas have been designated for housing of single men, single women, families, and children. Additionally, a quarantine area has been established, as well as an area to house individuals accused of violent crimes in Haiti, and persons who pose a disciplinary and security threat to other refugees.

The refugees at Guantanamo Bay are provided two hot meals a day and one MRE at lunch. Contrary to press reports citing disorganization and long-feeding lines, I personally witnessed a very organized and structured operation of providing lunch to the refugees. Additionally, the lines, while somewhat long, moved at a rapid pace, and there appeared to be little, if any, discontent on the part of the refugees.

I took the opportunity to speak with several of the refugees while at Guantanamo Bay. I asked them how they were being treated, and all of them responded "well." I also asked them what complaints they had, and the only complaints I heard was the fact that they had not yet been permitted to go to the United States. In responding to a question concerning how many wanted to go to the United States as opposed to any safe haven, approximately 50 percent of the refugees responded that they wanted to go to the United States, and the other 50 percent responded that they would go to any safe haven as opposed to returning to Haiti. My ability to communicate with the Haitians was facilitated by Gunnery Sergeant Erns E. Rlnuil who served as my translator. The military has very few linguists who speak French Creole, and Gunnery Sergeant Rlnuil's mastery of the language was apparent. The ability to

communicate with the refugees is indispensable to maintaining discipline and order as well as tending to their needs. Gunnery Sergeant Rlnuil serves an important role in bridging the gap of understanding.

The 16,000 refugees being housed at Guantanamo Bay are not yet impacting upon the base's infrastructure. In fact, Brigadier General Williams informed us that up to 28,000 refugees could be accommodated at Guantanamo Bay, but that number would impose severe restraints and limitations on the infrastructure, most specifically, the water supply.

The refugee processing center on Grand Turks Island is a replica of the Guantanamo Bay facility. The commanding officer of the operation on Grand Turks Island is Colonel Doug Redlich. As you know, Grand Turks Island will serve a maximum of 2,000 refugees who must be processed within seven days. The camps have been constructed and the military is anxious to begin processing refugees. All that remains are the final signatures on the Memorandum of Understanding to permit operations to begin. I see no reason why the Grand Turks Island facility would not duplicate the organization and efficiency of the refugee processing operations at Guantanamo Bay. I support the Administration's policy, and based upon my visit, I am confident that the refugees are well cared and provided for.

In summation, Mr. Chairman, I support the Administration's Haiti policy. However, the military option should be the last resort. Prior to initiating any military action, all diplomatic tools should be explored and exhausted. I support the efforts for multilateral support at the U.N. I maintain a glimmer of hope that this crisis can be resolved peacefully without the need for military intervention. I reiterate my position that Aristide must be restored to his presidency, and General Cedras, General Biamby, and Colonel Francois must resign and leave the country. I found President Aristide to be enormously popular with the Haitian people.

Lastly, Mr. Chairman, an aid package that would assist in the re-development and re-building of Haiti needs to be considered. The U.S. and the entire international community owes Haiti a multilateral aid package from all nations and international aid groups to include food, medicine, agricultural assistance and budget support to correct the destruction that has been wrought in that Caribbean island nation. We should begin to focus attention on this now so that when Aristide returns to Haiti, a massive influx of assistance can be provided to help relieve the people of their pain and suffering.

I appreciate having the opportunity to testify before you, and am prepared to answer any questions you might have.

TESTIMONY OF CONGRESSMAN JACK REED
 HEARING ON U.S. POLICY OPTIONS IN HAITI
 WESTERN HEMISPHERE SUBCOMMITTEE
 HOUSE FOREIGN AFFAIRS COMMITTEE
 JULY 27, 1994

Thank you, Mr. Chairman and Members of the Committee, for this opportunity to discuss American policy with regard to Haiti.

On May 27th, I had the opportunity to travel to Haiti with our colleagues, Bill Richardson and Julian Dixon. As you know, Bill Richardson has just returned from a follow-up trip. During our visit in May, we had the chance to talk with a broad spectrum of political figures as well as our Embassy staff. My comments are based upon this trip and consideration of our policy over many months.

American policy must address three critical issues; the departure of the illegal Cedras regime, the establishment in Haiti of the democratically elected government of President Aristide under conditions that will not require the commitment of American military forces, and the prevention of the un-controlled entry of Haitian nationals into the United States.

Removal of the illegal Cedras regime continues to be a frustrating and, to date, unsuccessful effort. Nevertheless, resorting to the expedient use of American military forces to resolve the situation would, I feel, be a mistake. There is no doubt that American military forces would quickly overwhelm any organized resistance. However, these short run gains would be rapidly dissipated. Few policymakers have to be reminded that we spent 19 years in Haiti trying to facilitate the development of a functioning democracy with little if any results to show for it. Moreover, our visit to Haiti demonstrated that an American "invasion" would quickly engender local opposition. We found no significant support for such a policy among civilian political leaders. In fact, the impression was left that most would have to reflexively condemn such an invasion in order to maintain their standing within domestic political circles. In sum, we would find ourselves in the awkward position of risking American forces to eject Cedras and then find ourselves as unwelcome "guests" by those we thought we were helping.

Inextricably bound up in efforts to expel the Cedras regime is the attitude and activities of the Aristide government. Aristide's brief rule over Haiti has raised considerable controversy over his commitment to the Constitutional principles that we would be presumably supporting. Within Haiti, he is a figure that commands great respect among many and great suspicion among many others. At this juncture, it is essential that his government play a more constructive and cooperative role in resolving this crisis. As a first step, a Prime Minister should be appointed immediately. This individual should represent a broadening of his government and manifest a sincere attempt to be inclusive of responsible civilian

elements within Haiti. In this way, there is a possibility of further weakening the hold of the Cedras regime while beginning to establish a government that can function immediately upon the departure of the Cedras regime.

With regard to our policy towards Haitian refugees, the various attempts to provide off-shore processing have been abandoned and with good reason. The activation and reactivation of these facilities outside Haiti invariably starts a wholesale exodus which imperils the refugees and undermines attempts to offer asylum to politically active Haitians. During our trip to Haiti, we visited the Refugee Processing Center in Port au Prince. There are additional centers in the southern city of Les Cayes and the northern city of Cap Haitien. These centers continue to operate and process Haitians who seek entry into the United States. The criteria for entry is consistent with our policy of offering asylum for political refugees. According to Embassy personnel, these centers have operated with little or no interference from the Cedras regime. In sum, we should continue to operate these centers and refrain from the establishment of centers outside of Haiti.

Mr. Chairman, we all recognize that there are few easy answers to this crisis. I appreciate your effort and the efforts of this Committee to search for a principled resolution of the situation. I thank you for this opportunity to share my thoughts.

PREPARED STATEMENT OF CONGRESSWOMAN CARRIE P. MEEK
before the
Subcommittee on Western Hemisphere Affairs
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C.
July 27, 1994

Mr. Chairman and members of the subcommittee, thank you for your invitation to testify this afternoon on behalf of H.R. 3663, the Haitian Refugee Fairness Act.

I would also like to acknowledge the support for the Haitian refugees by Members of the Subcommittee. Several Members, including Mr. Menendez, Ms. McKinney and Ms. Ros-Lehtinen are among the more than 80 cosponsors of H.R. 3663.

H.R. 3663 seeks to address three specific refugee problems: *nonrefoulement* or forced repatriation; the status of Haitian nationals here in the United States; and federal funds to lessen the impact to state and local governments of admission of Haitian refugees in their states.

Nonrefoulement

On May 24, 1992, the United States put into place a policy of returning to Haiti those Haitians we had encountered on the high seas without first assessing whether they were fleeing persecution at the hands of the military junta that has seized control there. Since that time, these diverted refugees have been routinely fingerprinted, photographed, and interrogated by Haitian authorities upon their return. Human rights observers have reported that a number of returnees have been imprisoned or beaten upon their return. Others have disappeared or have been forced into hiding for fear for their lives.

Unfortunately, the current administration took repatriation a step further by extending it to Haitians encountered within Haiti's territorial waters. For more than 17 months and except in the past few weeks, the current Administration actively searched out, interdicted, and returned all Haitians to Haiti, regardless of their intended destination. For more than 17 months, this Administration, in effect, erected and maintained a floating Berlin Wall around Haiti to keep anyone seeking to flee persecution from escaping from their tormenters.

Mr. Chairman, I introduced H.R. 3663, the Haitian Refugee Fairness Act, as a result of my concern for the injustices and suffering faced by the Haitian people as well as the lack of response and indifference by the U.S. I introduced H.R. 3663 because it is the moral and humanitarian responsibility of the U.S. to protect those

Haitians who have sought refuge in this country and to treat them fairly compared to the way we treat other groups.

As I have repeatedly heard from my constituents in the area of Miami called "Little Haiti," and as the Administration has finally acknowledged, there is a human rights nightmare -- a holocaust -- a killing field -- occurring in Haiti. It is a consistent campaign of terror against the Haitian people by the ruthless military regime. It is a campaign of terror against the supporters of President Aristide that has intensified in recent weeks. It is a campaign of terror that is being carried out in all areas of the country, from Port-au-Prince to the remotest hamlet. Yet, we refused the Haitian people sanctuary.

Men, women, and children are being tortured, murdered, and mutilated. Killings have become commonplace for the Haitian people. Their bodies, disfigured, dismembered and unrecognizable to friends and family, are dumped in the streets to be scavenged by dogs and pigs. Yet, we refused the Haitian people sanctuary.

Human rights advocates rate Haiti as one of the worst violators of human rights in the world. And the reports confirm that one of the most hideous crimes, the rape of women and young girls, is being committed by the de facto regime.

In Haiti, naked boys are often a common sight -- a way to endure the oppressive heat. But the genitals of girls are covered. Why? Because Haitian culture honors the "birth part" of females as the "pathway of life." This custom once kept rape to a minimum. But now rape is becoming a frequent tool of political repression by the military. The gang rape of women and young girls whose husbands, fathers, brothers and sons are politically active are being reported at an alarming rate. Yet we refused the Haitian people sanctuary because, we say, they are only fleeing economic deprivation and not political repression.

Just this past weekend, the *Washington Post* reported on the use of rape by the authorities in Haiti as a means of controlling dissent. I ask unanimous consent to have this article printed at this point in the record.

Disfigurement is also being used in Haiti as a means of stifling dissent. A case in point is that of Alerte Balance. Miraculously, Ms. Balance survived a machete attack by a pro military terrorists. According to Ms. Balance, the attack left her with

her right arm severed below the elbow. A slash across her face took out her upper palate. A deep gash dents the back of her neck and scars cover her body. Doctors were able to sew back her severed right ear. The front half of her tongue was recovered and reattached. Ms. Belance's story is just one of many examples of the unmerciful treatment being inflicted on the Haitian people by the military.

As a candidate, President Clinton criticized the previous administration for not giving Haitian refugees an opportunity to apply for political asylum after being intercepted at sea by U.S. Coast Guard cutters. He hit a responsive cord in many Americans who were appalled at the unfairness of our policy toward Haitians. On May 8, 1994, the President made a step towards fulfilling his promise. However, we must not forget that it is just that, a step.

I applauded the President's decision to interview all Haitian nationals fleeing the brutal regime that is in power in Haiti to determine if they have a legitimate claim for political asylum. I was also encouraged by the Administration's decision to offer most of the refugees fleeing Haiti an opportunity to go to a refugee camp set up outside of the U.S. However, we must ensure that the conditions of these camps are set up to afford these individuals their dignity.

As we all know, Mr. Chairman, thousands of refugees have tried to escape the horrors of the increasing human rights abuses in Haiti. They would rather face the danger at sea and try to make it to America where they believe that we "Americans have a respect for human life."

Section 2 of H.R. 3663 would make our policy conform to international law by requiring the United States to determine the legitimacy of an individual's claim and prohibiting the United States from returning people to their country of persecution if we determine that they are refugees. For the record, Mr. Chairman, I would like to submit a copy of the letter I received from the United Nations High Commissioner for Refugees regarding the "U.S. practice of interdicting Haitian refugees on the high seas and summarily returning them to their country of origin."

The *nonrefoulement* provision in H.R. 3663 is not Haiti-specific. It would apply to anyone encountered outside U.S. territory or within the territorial waters of another nation.

The Bush/Clinton repatriation policy did not meet this requirement. Under the Bush/Clinton policy, Haitians were held hostage in their own country. The blockade by the U.S. Coast Guard surrounding Haiti was an unprecedented denial to Haitians of the most basic human right, the right to flee persecution in their country in search of safety in a country of first asylum. This policy was not just a violation of international law; it was a violation of the most basic code of humanity. The Administration's announcement on May 8 was clearly an admission that its policy was patently wrong.

While the legislation would prohibit the return of individuals deemed to be refugees to their country of persecution, it would not require that they be brought to the United States.

Temporary Protected Status

Section 3 of H.R. 3663 would designate Haiti for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (INA), thereby protecting Haitians currently in the U.S. from return to Haiti while there is a human rights crisis there.

It is imperative now, more than ever, Mr. Chairman, that we provide Temporary Protected Status to Haitian nationals. H.R. 3663 would permit Haitians already in this country as of November 17, 1993 to apply for Temporary Protected Status.

Under the provisions of TPS enacted as part of the Immigration Act of 1990, the Attorney General is authorized to designate any nation or part of a nation TPS if she finds that there is an ongoing armed conflict within that nation. TPS would allow Haitians to remain in the U.S. until the Attorney General determines that conditions in Haiti are safe for their return. Meanwhile, they would be granted work authorization.

By granting Haitians TPS we achieve two objectives: undocumented Haitians can live and work in safety without fear of being deported, and the INS would know where they reside so that it can facilitate their return once conditions in Haiti are safe.

Certainly there is ample evidence that Haitians here in the U.S. would be in grave harm if sent back to Haiti under current conditions.

- Roving bands of government-sponsored thugs, known as zenglendoes, are terrorizing and maiming Church officials, political activists, elected and appointed officials loyal to Jean Bertrand Aristide, Haiti's democratically-elected president, and Aristide supporters;
- Officials and activists loyal to the democratically-elected government have been dragged from churches, murdered in the streets, kidnapped from their homes, and jailed;
- Just last week two United Nations and the Organization of American States observer teams were stopped, their possessions were confiscated and they were threatened imprisonment if U.S. military or multinational forces took action against Haiti.

This Administration's unwillingness to designate TPS for Haitians is inexplicable. During his May 8 announcement of the Administration's change in policy, President Clinton said, "the repression and bloodshed in Haiti have reached alarming proportions. Supporters of President Aristide, and many other Haitians, are being killed and mutilated." On May 3, the President stated "they [the military] have begun to clearly kill more innocent civilians --- people not even directly involved in the political life of the country."

These events and the endless number like them, as well as the numerous statements about the generalized violence in Haiti made by the Administration, clearly makes Haiti eligible for TPS.

TPS is a status that has been granted by the Attorney General to nationals of other nations, such as Kuwait, Somalia, Bosnia and most recently Rwanda during conflict in their countries. Under the circumstances, Mr. Chairman, Congress is left with no alternative but to legislate TPS as it did in 1990 when it designated TPS status for El Salvador nationals by an Act of Congress.

I would like to bring to the Subcommittee's attention a technical adjustment that should be made to the TPS section of my bill. I would like to clarify that Haitian parolees who have been resettled in the U.S. through the Community Relations

Service of the Department of Justice and who are consequently deemed PRUCOL not lose this status if they avail themselves of TPS.

Impact on State and Local Governments

Sections 4, 5, and 6 of H.R. 3663 deal with the impact on state government of the federal government's decision to admit Haitians and Cubans into the U.S. More specifically:

Immigration Emergency Fund

Section 4 explicitly permits use of the Immigration Emergency fund created by the Immigration Reform and Control Act of 1986 (IRCA) for this purpose.

Cuban/Haitian Primary/Secondary Migration Program

Section 5 assures adequate funding for the Cuban Haitian Primary Secondary Program, operated by the Community Relations Service (CRS) of the Department of Justice. My bill authorizes \$6 million for that purpose. However, many more Cubans and Haitians have come to the United States in recent months than the Justice Department had originally estimated. I would ask that this amount be increased to \$10.8 million which reflects the latest estimates of the cost of this program, when the Subcommittee marks up this legislation.

The number of Cubans and Haitians who are now expected to reach our shores in the remainder of this and the coming fiscal year is dramatically higher than in recent years and increasing almost every day. Adequate funding for this program is of enormous importance to the state of Florida which has borne the expense of caring for Cubans and Haitians entering the U.S.

Year after year, CRS has been underfunded. With the recent dramatic increase in the number of Cuban and Haitian arrivals needing resettlement, the program needs additional funds from within the Department of Justice to maintain current resettlement operations for the current fiscal year. Moreover, all indications are that in fiscal year 1995, arrivals will far exceed those anticipated by the Department's original request of \$7 million.

The existing Cuban/Haitian Primary Secondary Migration Program's budget is inadequate to resettle anticipated arrivals. In order to avoid chaos and disruption to the program and local communities that uncertain funding brings, \$10.8 million is needed in FY 1995

Cuban/Haitian Entrant Emergency Fund

Section 6 creates an emergency fund of \$5 million to take care of future large, unexpected flows of Cubans and Haitians. The intent of this fund is to make funds available to CRS for primary and secondary resettlement of Cubans and Haitians if, as in this year, the regularly appropriated funds are insufficient in the face of a large, unexpected flow of Cubans and Haitians. Such a fund would shield CRS from the obligation of scurrying to find funds to provide services for Cubans and Haitians in an emergency situation.

Conclusion

Mr. Chairman, I am well aware of the fact that the U.S. cannot possibly accept all the people who would like to come here, but we must have a standard that treats all nationality groups equally and procedures that are applied to all with fairness.

No one wishes to provoke a mass exodus of desperate people onto dangerous seas. Unfortunately, that is what happened when the Administration announced a more humane policy. Nevertheless, we cannot use that concern to justify discrimination and inequity of treatment. We must act in the most just and humane way possible to ensure the safety and well-being of those who seek the protection of our country.

Fifty-five years ago, just before World War II, nearly 1000 German Jewish boat people aboard the ship *St. Louis* were denied refuge by U.S. immigration officials. Not allowed to dock at U.S. ports -- including Miami -- or at ports in any other country, the *St. Louis* returned to Europe, where many of its unwanted and unwelcome passengers died on the killing fields and in the gas chambers of the Third Reich.

Despite the embargo, the public posturing and the behind the scenes diplomatic efforts, Haiti remains a very dangerous place for its citizens. As a nation, we refused

to protect desperate Jews seeking refuge from Nazi Germany. If we fail to protect Haitians today, we will have learned nothing from our mistakes of the past.

Mr. Chairman, the ultimate solution to the problem of refugee flight from Haiti is to restore democracy there. But until that happens, we must correct the injustices of current law and respond to the pleas of the Haitian people. It is imperative that we reform our Haitian refugee policies to remove the blanket presumption that all Haitian asylum seekers are economic refugees. This is our opportunity to regain the moral high ground. We cannot ignore the Haitian people in their time of need.

In closing, Mr. Chairman, thank you for holding this hearing today. I am pleased that your subcommittee is meeting to discuss this very important issue. I look forward to working with you and the Congress in an effort to ensure justice for all who are seeking asylum.

103D CONGRESS
1ST SESSION

H. R. 3663

To reaffirm the obligation of the United States to refrain from the involuntary return of refugees outside the United States, designate Haiti under Temporary Protected Status, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mrs. MEEK (for herself, Mr. GILMAN, Ms. BROWN of Florida, Mr. OWENS, Mr. MFUME, Mr. TOWNS, Mr. RUSH, Mrs. CLAYTON, Mr. SCOTT, Mr. LEWIS of Georgia, Mr. WATT, Mr. HILLIARD, Mr. ROMERO-BARCELÓ, Miss COLLINS of Michigan, Mr. FLAKE, Mr. TUCKER, Ms. WATERS, Mr. JEFFERSON, Mr. PAYNE of New Jersey, Mr. RANGEL, Ms. PELOSI, Mr. WYNN, Mr. JACOBS, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. HASTINGS, Mr. FOGLIETTA, Ms. MCKINNEY, Mr. SERRANO, Mr. WASHINGTON, Mr. DE LUGO, Mr. CLYBURN, Mr. ENGEL, and Mr. DELLUMS) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs and the Judiciary

A BILL

To reaffirm the obligation of the United States to refrain from the involuntary return of refugees outside the United States, designate Haiti under Temporary Protected Status, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Haitian Refugee Fair-
3 ness Act”.

4 **SEC. 2. ADHERENCE TO INTERNATIONAL LAW REQUIRE-**
5 **MENT OF NONREFOULEMENT.**

6 (a) CONGRESSIONAL STATEMENT.—It is the sense of
7 the Congress that Article 33 of the Convention Relating
8 to the Status of Refugees (done at Geneva, July 28,
9 1951), as applied under Article I of the Protocol Relating
10 to the Status of Refugees (done at New York, January
11 31, 1967), imposes an obligation upon states which are
12 party to the Protocol that applies wherever the states act
13 and without territorial limitation, and Congress reaffirms
14 that this Article 33 obligation applies to actions of the
15 United States with respect to individuals within and with-
16 out the territorial boundaries of the United States.

17 (b) OBLIGATIONS OUTSIDE THE UNITED STATES.—
18 The United States Government shall not return, cause to
19 be returned, or affect the movement in any manner which
20 results in returning, a national or habitual resident of a
21 country, who is outside the territorial boundaries of the
22 country of nationality or residence to the territory where
23 the individual’s life or freedom would be threatened, and
24 no funds may be expended without respect to any such
25 return, unless the United States Government first deter-
26 mines in a manner that incorporates procedural safe-

1 guards consistent with internationally endorsed standards
 2 and guidelines that such individual is not a refugee of such
 3 country under Article 1 of the Convention Relating to the
 4 Status of Refugees (done at Geneva July 28, 1951) as
 5 applied under Article I of the United Nations Protocol Re-
 6 lating to the Status of Refugees (done at New York, Janu-
 7 ary 31, 1967) or a person designated under Article 33
 8 of the Convention Relating to the Status of Refugees.

9 (c) OBLIGATIONS WITHIN THE TERRITORIAL WA-
 10 TERS OF ANOTHER COUNTRY.—The United States Gov-
 11 ernment shall not return, cause to be returned, or affect
 12 the movement in any manner which results in returning,
 13 a national or habitual resident of a country, who is within
 14 the territorial waters of his or her country of nationality
 15 or habitual residence, to the land frontier or territorial
 16 land of the country of nationality or residence where the
 17 individual's life or freedom would be threatened, and no
 18 funds may be expended with respect to any such return,
 19 unless the United States Government first determines in
 20 a manner that incorporates procedural safeguards consist-
 21 ent with internationally endorsed standards and guidelines
 22 that if that individual were outside the territory of the
 23 country of nationality or habitual residence such individ-
 24 ual would not be a refugee of such country under Article
 25 I of the Convention Relating to the Status of Refugees

1 (done at Geneva, July 28, 1951) as applied under Article
2 I of the United National Protocol Relating to the Status
3 of Refugees (done at New York), January 31, 1967) or
4 a person designated under Article 33 of the Convention
5 Relating to the Status of Refugees. This subsection shall
6 not constitute authority for conducting operations by the
7 United States Government within the territorial waters of
8 another country.

9 (d) LIMITATIONS.—The provisions of this section do
10 not apply to an individual if—

11 (1) such individual ordered, incited, assisted, or
12 otherwise participated in the persecution of any per-
13 son on account of race, religion, nationality, mem-
14 bership in a particular social group or political opin-
15 ion; or

16 (2) such individual, having been convicted by a
17 final judgment of an aggravated felony (as defined
18 in section 101(a)(43) of the Immigration and Na-
19 tionality Act), constitutes a danger to the commu-
20 nity of the United States.

21 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to impose new obligations on the
23 Government of the United States in its treatment of na-
24 tionals and habitual residents of a country at United
25 States diplomatic and consular missions in that country.

1 **SEC. 3. TEMPORARY PROTECTED STATUS FOR HAITIANS.**

2 (a) DESIGNATION.—

3 (1) IN GENERAL.—Haiti is hereby designated
4 under section 244A(b) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1254a(b)), subject to the
6 provisions of this section.

7 (2) PERIOD OF DESIGNATION.—Such designa-
8 tion shall take effect on the date of the enactment
9 of this Act and shall remain in effect for a period
10 of 24 months from the date of enactment of this Act
11 or until such time as the President certifies to Con-
12 gress that a democratically elected government is se-
13 curely in place in Haiti, whichever occurs later.

14 (b) ALIENS ELIGIBLE.—In applying section 244A of
15 the Immigration and Nationality Act pursuant to the des-
16 ignation under this section, subject to section 244A(c)(3)
17 of such Act, an alien who is a national of Haiti meets
18 the requirement of section 244A(c)(1) of such Act only
19 if—

20 (1) the alien has been continuously physically
21 present in the United States since November 17,
22 1993;

23 (2) the alien is admissible as an immigrant, ex-
24 cept as otherwise provided under section
25 244A(c)(2)(A) of such Act and is not ineligible for

1 temporary protected status under section
2 244A(c)(2)(B) of such Act; and

3 (3) the alien registers for temporary protected
4 status in a manner which the Attorney General shall
5 establish.

6 (c) REGISTRATION FEE.—Subject to section
7 244A(c)(3) of the Immigration and Nationality Act, the
8 Attorney General may provide for the payment of a fee
9 as a condition of registering an alien under subsection (b)
10 of this section.

11 **SEC. 4. REIMBURSEMENT FOR STATE AND LOCAL GOVERN-**
12 **MENT COSTS.**

13 Notwithstanding any other provision of law, the At-
14 torney General shall reimburse from funds authorized
15 under section 404(b)(1) of the Immigration and National-
16 ity Act, State and local governments for incremental costs
17 associated with Haitian nationals who are paroled into the
18 United States by the Immigration and Naturalization
19 Service under section 212(d)(5) of the Immigration and
20 Nationality Act.

1 SEC. 5. FUNDING FOR COMMUNITY RELATIONS SERVICE OF
2 THE UNITED STATES DEPARTMENT OF JUS-
3 TICE AND CUBAN/HAITIAN PRIMARY SECOND-
4 ARY MIGRATION PROGRAM FOR FISCAL
5 YEARS 1994, 1995 AND 1996.

6 (a) COMMUNITY RELATIONS SERVICE.—Of the funds
7 appropriated for the United States Department of Justice
8 for fiscal years 1994, 1995, and 1996, not less than
9 \$27,000,000 shall be made available in each fiscal year
10 to the Community Relations Service.

11 (b) CUBAN/HAITIAN PRIMARY SECONDARY MIGRA-
12 TION PROGRAM.—Of the funds referred to in subsection
13 (a), not less than \$6,000,000 in each of fiscal years 1994,
14 1995, and 1996 shall be used to provide primary and sec-
15 ondary resettlement services for Cubans and Haitians pa-
16 roled into the United States by the Immigration and Nat-
17 uralization Service under section 212(d)(5) of the Immi-
18 gration and Nationality Act.

19 SEC. 6. CUBAN/HAITIAN ENTRANT EMERGENCY FUND.

20 Section 404 of the Immigration and Nationality Act
21 (8 U.S.C. 1101, note.) is amended by adding at the end
22 the following new subsection:

23 “(c) CUBAN/HAITIAN ENTRANT EMERGENCY FUND.

24 “(1) AUTHORIZATION OF APPROPRIATIONS.—

25 There are authorized to be appropriated for fiscal
26 year 1994 and any subsequent fiscal year to a

1 Cuban/Haitian Entrant Emergency Fund to be es-
2 tablished in the Treasury, an amount sufficient to
3 provide for a balance of \$5,000,000 in such fund, to
4 be used to carry out the purposes described in para-
5 graph (3).

6 “(2) CONDITIONS FOR USE OF FUND.—Funds
7 which are authorized to be appropriated by para-
8 graph (1) shall be available whenever—

9 “(A) the number of Cubans and Haitians
10 paroled into the United States by the Immigra-
11 tion and Naturalization Service under section
12 212(d)5 of the Immigration and Nationality
13 Act in a single fiscal year has exceeded the esti-
14 mate made by the Attorney General as required
15 in paragraph (4), and

16 “(B) funds appropriated for the Cuban/
17 Haitian Primary/Secondary Resettlement Pro-
18 gram are inadequate to provide primary and
19 secondary resettlement services at the fiscal
20 year 1993 funding and service level.

21 “(3) _____. Funds which are authorized to be
22 appropriated by paragraph (1) shall be available
23 solely for the purpose of assisting with the process-
24 ing, placement and reception of Cubans and Hai-
25 tians paroled into the United States by the Immigra-

tion and Naturalization Service under section 212(d)(5) of the Immigration and Nationality Act.

“(4) ANNUAL ESTIMATION OF CUBAN AND HAITIAN PAROLEES.

“(A) The Attorney General of the United States shall submit each year, concurrent with the President’s annual budget request, an estimate of the number of Cubans and Haitians who are expected to be paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act in the next fiscal year. Such estimate shall be made independently from the budget request for any programs for Cuban and Haitian parolees.

“(B) In determining the estimate required by paragraph (4)(A), the Attorney General shall take into consideration a number of factors, including but not limited to—

“(i) previous experience and current trends in the number of Cubans and Haitians paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act, and

“(ii) political circumstances and trends in Cuba and Haiti.”.

103D CONGRESS
1ST SESSION

H. R. 1942

To provide for a program established by a nongovernmental organization under which Haitian Americans would help the people of Haiti recover from the destruction caused by the coup of December 1991.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1993

Mr. RANGEL introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide for a program established by a nongovernmental organization under which Haitian Americans would help the people of Haiti recover from the destruction caused by the coup of December 1991.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. GRANT BY AID.**

4 (a) GRANT FOR PROGRAM.—The Administrator of
5 the Agency for International Development shall use funds
6 available for development assistance for each of fiscal
7 years 1994 through 1998 to provide a grant for each such
8 fiscal year to an appropriate nongovernmental organiza-

1 tion that has established a program under which Haitian
2 Americans would engage in activities in Haiti designed to
3 help the people of that country in meeting their needs for
4 trained manpower in recovering from the destruction
5 caused by the military coup that occurred in Haiti in De-
6 cember 1991. Any such grant may be used only for such
7 program.

8 (b) REQUIREMENTS OF PROGRAM.—The Adminis-
9 trator of the Agency for International Development shall
10 ensure that the activities engaged in by Haitian Americans
11 in Haiti under a program for which a grant is provided
12 under subsection (a) are similar to those activities that
13 would be engaged in by Peace Corps volunteers under the
14 Peace Corps Act.

15 (c) TRAINING.—The Director of the Peace Corps
16 shall provide to Haitian Americans participating in a pro-
17 gram for which a grant is provided under subsection (a)
18 appropriate training in preparation for their activities in
19 Haiti under the program. The costs of such training shall
20 be reimbursed, from amounts provided in the grant, by
21 the nongovernmental organization administering the pro-
22 gram.

23 **SEC. 2. DEFINITION.**

24 As used in this Act, the term “Haitian American”
25 means an individual residing in the United States who is

- 1 of Haitian ancestry and whose citizenship or immigration
- 2 status would make such individual eligible to be a Peace
- 3 Corps volunteer under the Peace Corps Act.

TESTIMONY OF CONGRESSMAN RONALD V. DELLUMS

BEFORE

THE HOUSE FOREIGN AFFAIRS COMMITTEE

SUBCOMMITTEE ON WESTERN HEMISPHERE

WEDNESDAY JULY 27, 1994

Thank you, Mr. Chairman, for holding this hearing on the crisis in Haiti and for inviting me to testify before your subcommittee.

As you know, I, along with every single member of the Congressional Black Caucus, introduced on March 23 of this year HR 4114, the Governors Island Reinforcement Act. This initiative was necessitated by the policy vacuum that existed within the administration vis-a-vis Haiti at that time and was introduced to:

- register strong Congressional opposition to the derailment of democracy in Haiti;
- demonstrate Congressional awareness and condemnation of the brutality and brutishness inflicted upon the Haitian people by Messrs Cedras, Biamby, Francois and their supporters; and
- signal the unwavering resolve of the United States Congress to stand with the people of Haiti.

Mr. Chairman, HR 4114 now has in excess of 100 bi-partisan co-sponsors and many of its provisions have already been implemented by the administration. This is due, in no small part, to Special Envoy Bill Gray's ongoing consultation with the Congress and

his keen understanding that in this post-Cold War era, the United States cannot and must not either coddle, excuse, or encourage the violent overthrow of democratically elected governments, or stand by in the face of a persistent pattern of gross violation of internationally recognized human rights.

As we all know, Mr. Chairman, at this time the United States is appropriately relying on comprehensive economic sanctions to secure the departure of Messrs Cedras, Biamby and Francois. As we also know, however, flagrant, ongoing cross-border trade between Haiti and the Dominican Republic is seriously undermining international efforts to exert maximum pressure on the Haitian military. Unless the flow of embargoed items from the Dominican Republic to Haiti is halted, international efforts to secure the resignation of Haiti's military rulers will fall flat.

On July 12, 1994, President Clinton issued a declaration outlining some \$15 million in defense equipment of the Dominican Republic to enable that country to effectively seal its border with Haiti. In view of the fact that there are a very limited number of

transit points along that border capable of accommodating large trucks transporting contraband, however, the challenge to the Dominican Republic is not one of monitoring hundreds of miles of border - often along rugged terrain. The challenge is infinitely narrower - to halt the flow of contraband fuel and other items at a few strategic points along the border.

It is my sincere hope that the Dominican Republic will be an active and committed partner of the United States on this issue. Sec.2(c) of the Governors Island Reinforcement Act, HR 4114, denies "any grant, sale, loan, lease, credit, guaranty, or insurance by any agency or instrumentality of the United States Government" to any country that the President determines is not cooperating with sanctions against Haiti. In addition, this section would also have the President impose at least one other penalty which he deems appropriate under the International Emergency Economic Powers Act.

I strongly urge President Clinton and Special Advisor Gray to Adopt Sec.2(c) of HR 4114 without delay as a special incentive to any nation anywhere that may now be violating the embargo against

Haiti. And I also urge Special Advisor Gray to again reiterate to President Balaguer that the cooperation of his country is vital - both because its proximity to Haiti empowers it to make or break the international sanctions effort, and because any attempt to undermine these sanctions would place at risk its \$22 million in U.S. foreign assistance of Fiscal Year 1994, the \$180 million sugar quota they had anticipated exporting to the United States this year, and other components of our bilateral economic relationship.

Mr. Chairman, the United States and the international community have expended, and continues to expend, a considerable amount of human, material, a political resources in our attempt to cause Haiti's brutal military to step down in favor of the duly elected government they overthrew. In the process, the international community is not only condemning, but indeed committing itself to actively discouraging the bloody overthrow to duly elected governments elsewhere in the hemisphere.

There does need to be closure, however.

The intransigence of Mr. Cedras and his supporters is so costly in human, economic, and political terms both inside as well as outside of Haiti that the international community must now step forward with a commitment to guarantee serious sanctions compliance - both through the adoption of measures like Sec.2(c) as well as via other means.

On refugee policy, the administration is to be commended for abandoning its palpably racist policy of summarily repatriating all Haitians - no questions asked - back to what the United Nations has described as a "reign of terror." As a result of the administration's post-May policy shift, some regional governments have committed to provide fleeing Haitians safe haven.

It is my belief, however, that it is both morally untenable and politically naive for us to continue to ask the countries of the region to provide safe haven to Haitian refugees while we categorically refuse to do so. If our appeals throughout the region are to have greater political weight and moral authority, if we are to have any hope of broader participation in this effort, and if we are to further

distance ourselves from charges that racism permeates our Haiti refugee policy, the United States of America must agree to provide safe haven to a reasonable percentage of Haitians intercepted at sea, with other regional countries assuming responsibility for the remainder.

In recent months, Mr. Chairman, the issues of "refugee flows" and the "use of force" have, unfortunately, become inexplicably linked.

It is vital that they be de-linked.

There are color-blind, non-discriminatory procedures and processes established under international and domestic law to deal with refugees from Haiti - and elsewhere, and it is to these that we must turn should the numbers of refugees fleeing Haiti again shoot upward. We all recognize that with the military crackdown on boat-building and the intensified police surveillance of Haiti's bays and coves, it is becoming exceedingly difficult for refugees to leave Haiti. However, should they in the future again find a way to flee, I must stress, Mr. Chairman, that this gentleman finds the very notion that

the United States should invade Haiti simply to prevent black Haitians from arriving on U.S. soil deeply unsettling.

If, on the other hand, the use of force is being contemplated not to keep Haitians out of the United States, but to oust the coup leaders, I wish to stress my philosophical conviction that the use of force should always be considered - in Haiti and elsewhere - only as a last resort. And I, Mr. Chairman, cannot in good conscience say that we have reached that point.

Until we have truly sealed the border between Haiti and the Dominican Republic, we will not be able to say that we have exhausted all non-military options prior to considering the use of force. However, delay after interminable delay in sealing the border not only encourages Haiti's military to make the distinction between our "comprehensive" rhetoric and our "less-than-comprehensive" actions, indeed it also places the interests of the Haitian military above our own. While they are buoyed by the knowledge that each additional day they dig in their heels means one day less, in Aristide's term, "small-d" democrats must assess the same period as one more

day that they remain saddled with a foreign policy challenge that will not go away.

The closing of the key transit points along the border will have significant economic and political repercussions inside Haiti and could render current calls for the use of force moot.

We must move quickly to do this, however. And, most importantly, U.S. policymakers must ensure that the Haitian military understands that though some of us may disagree regarding the most effective means of securing their departure, we are united on the fact that they must indeed go.

In closing, Mr. Chairman, I wish to say to those who suggest that this nation has spent enough time on Haiti and that the time has come to move on to other issues - we did not tire easily in our fight for Soviet Jewry, the oppressed in central America, or the disenfranchised of South Africa.

We will not tire of Haiti.

Thank you, Mr. Chairman.

103D CONGRESS
2D SESSION

H. R. 4114

To provide for sanctions against Haiti, to halt the interdiction and return of Haitian refugees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1994

Mr. DELLUMS (for himself, Mr. PAYNE of New Jersey, Mr. OWENS, Mr. RANGEL, Mr. MFUME, Mr. FRANKS of Connecticut, Ms. BROWN of Florida, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK, Mr. BISHOP, Mr. BLACKWELL, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. DIXON, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. FORD of Tennessee, Mr. HILLIARD, Mr. HASTINGS, Mr. JEFFERSON, Mr. LEWIS of Georgia, Ms. MCKINNEY, Ms. NORTON, Mr. REYNOLDS, Mr. RUSH, Mr. SCOTT, Mr. STOKES, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. TUCKER, Mr. WASHINGTON, Ms. WATERS, Mr. WATT, Mr. WHEAT, and Mr. WYNN) introduced the following bill; which was referred jointly to the Committees on Ways and Means, Foreign Affairs, Public Works and Transportation, the Judiciary, and Banking, Finance and Urban Affairs

A BILL

To provide for sanctions against Haiti, to halt the interdiction and return of Haitian refugees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Governors Island Rein-
3 forcement Act of 1994".

4 **SEC. 2. SANCTIONS AGAINST HAITI.**

5 (a) **PROHIBITING TRADE AND CERTAIN TRANS-**
6 **ACTIONS INVOLVING HAITI.**—The following are prohib-
7 ited:

8 (1) The import into the United States of any
9 goods or services of Haitian origin, other than publi-
10 cations and material imported for news publications
11 or news broadcast dissemination.

12 (2) The export to Haiti of any goods, tech-
13 nology (including technical data or other informa-
14 tion) or services from the United States, except pub-
15 lications, food, medicine, and medical supplies and
16 donations of articles intended to relieve human suf-
17 fering, such as clothing and temporary housing.

18 (3) The purchase by any United States person
19 of any goods for export from Haiti to any country.

20 (4) The performance by any United States per-
21 son of any contract in support of an industrial or
22 other commercial or governmental project in Haiti.

23 (5) The grant or extension of credits or loans
24 by any United States person to the unelected mili-
25 tary rulers of Haiti, its instrumentalities and con-
26 trolled entities.

1 (b) PROHIBITION OF CERTAIN AIR TRANSPORT IN-
2 VOLVING HAITI.—The following is prohibited:

3 (1) Any transaction by a United States person
4 relating to air transportation to or from Haiti.

5 (2) The provision of transportation to or from
6 the United States by aircraft of Haitian registration.

7 (3) The sale in the United States by any person
8 holding authority under the Federal Aviation Act of
9 any transportation by air which includes any stop in
10 Haiti.

11 (c) SANCTIONS AGAINST OTHER NATIONS.—

12 (1) If the President determines that a foreign
13 country is not cooperating with United States sanc-
14 tions against Haiti under this Act or with applicable
15 sanctions against Haiti imposed by the United Na-
16 tions and the Organization of American States, ef-
17 fective 60 days after such determination no United
18 States assistance may be provided to such foreign
19 country.

20 (2) If the President makes a determination
21 under paragraph (1)—

22 (A) the President shall impose at least one
23 other penalty or sanction which the President
24 considers to be appropriate under the Inter-
25 national Emergency Economic Powers Act; and

1 (B) the President may impose such other
2 sanctions and penalties under the International
3 Emergency Economic Powers Act as the Presi-
4 dent considers appropriate.

5 (3) For the purpose of this subsection, the term
6 “United States assistance” means assistance of any
7 kind which is provided by grant, sale, loan, lease,
8 credit, guaranty, or insurance, or by any other
9 means, by any agency or instrumentality of the
10 United States Government, including—

11 (A) assistance under the Foreign Assist-
12 ance Act of 1961; and

13 (B) sales, credits, and guaranties under
14 the Arms Export Control Act.

15 (d) SANCTIONS BY OTHER COUNTRIES.—The Presi-
16 dent shall direct the United States Ambassador to the
17 United Nations to assume a leadership role within the
18 United Nations Security Council to ensure that sanctions
19 against Haiti unilaterally imposed by the United States
20 under this Act are adopted by the international commu-
21 nity.

22 (e) TERMINATION OF SANCTIONS.—The provisions of
23 this section shall cease to have effect on the date the Presi-
24 dent certifies to the Congress that the democratically-
25 elected President of Haiti has been reinstated and Haiti’s

1 military high command has met its obligations under the
2 Governors Island Agreement.

3 **SEC. 3. CONGRESSIONAL STATEMENT.**

4 (a) **HUMAN RIGHTS OBSERVERS.**—The Congress
5 strongly urges the President to take such steps as are nec-
6 essary to facilitate the return to Haiti of a full contingent
7 of human rights observers under the auspices of the
8 United Nations and/or the Organization of American
9 States.

10 (b) **MULTINATIONAL BORDER PATROL.**—Subject to
11 the request of the democratically-elected President of
12 Haiti Jean-Bertrand Aristide, the Congress strongly urges
13 President Clinton to take all available measures to effect
14 the deployment of a multinational border patrol between
15 the Dominican Republic and Haiti which will be fully
16 equipped in terms of personnel and equipment to halt
17 cross-border violations of sanctions against Haiti imposed
18 by the United States and other countries.

19 (c) **MULTILATERAL SOCIOECONOMIC AND PEACE-**
20 **KEEPING ASSISTANCE.**—The Congress reaffirms the un-
21 wavering committment of the United States to support
22 multilateral socioeconomic and peacekeeping assistance to
23 Haiti upon the return to power of the democratically-elect-
24 ed President of Haiti and the removal of Haiti's military
25 high command.

1 **SEC. 4. SANCTITY OF GOVERNORS ISLAND AGREEMENT.**

2 (a) IN GENERAL.—Subject to subsection (b) and not-
3 withstanding any other provision of law, no officer or em-
4 ployee of the United States shall attempt, directly or indi-
5 rectly, to amend, reinterpret, or nullify the Governors Is-
6 land Agreement.

7 (b) EXCEPTION.—Subsection (a) shall not apply to
8 the October 30, 1993, deadline for the return to power
9 of the democratically-elected President of Haiti, Jean-
10 Bertrand Aristide.

11 **SEC. 5. TERMINATION OF BILATERAL MIGRANT INTERDIC-**
12 **TION AGREEMENT.**

13 The President shall notify the Government of Haiti
14 immediately of the intention of the United States Govern-
15 ment to terminate the agreement between the United
16 States and Haiti relating to migrant interdiction (effected
17 by the exchange of notes signed at Port-au-Prince on Sep-
18 tember 23, 1981; 33 UST 3559, TIAS 6577).

19 **SEC. 6. ADHERENCE TO INTERNATIONAL LAW REQUIRE-**
20 **MENT OF NONREFOULEMENT WITH RESPECT**
21 **TO HAITI.**

22 (a) OBLIGATIONS OUTSIDE THE UNITED STATES.—
23 The United States Government shall not return, cause to
24 be returned, or affect the movement in any manner which
25 results in returning, to Haiti a national or habitual resi-
26 dent of Haiti, who is outside the territorial boundaries of

1 Haiti, and no funds may be expended with respect to any
2 such return, unless the United States Government first
3 determines in a manner that incorporates procedural safe-
4 guards consistent with internationally endorsed standards
5 and guidelines that such individual is not a refugee of
6 Haiti under Article 1 of the Convention Relating to the
7 Status of Refugees (done at Geneva July 28, 1951) as
8 applied under Article I of the United Nations Protocol Re-
9 lating to the Status of Refugees (done at New York, Janu-
10 ary 31, 1967) or a person designated under Article 33
11 of the Convention Relating to the Status of Refugees.

12 (b) OBLIGATIONS WITHIN THE TERRITORIAL WA-
13 TERS OF HAITI.—The United States Government shall
14 not return, cause to be returned, or affect the movement
15 in any manner which results in returning, to Haiti a na-
16 tional or habitual resident of Haiti, who is within the terri-
17 torial waters of Haiti, and no funds may be expended with
18 respect to any such return, unless the United States Gov-
19 ernment first determines in a manner that incorporates
20 procedural safeguards consistent with internationally en-
21 dorsed standards and guidelines that if that individual
22 were outside the territorial boundaries of Haiti such indi-
23 vidual would not be a refugee of Haiti under Article I of
24 the Convention Relating to the Status of Refugees (done
25 at Geneva, July 28, 1951) as applied under Article I of

1 the United National Protocol Relating to the Status of
2 Refugees (done at New York, January 31, 1967) or a per-
3 son designated under Article 33 of the Convention Relat-
4 ing to the Status of Refugees. This subsection shall not
5 constitute authority for conducting operations by the
6 United States Government within the territorial waters of
7 Haiti or any other country.

8 (c) LIMITATIONS.—The provisions of this section do
9 not apply to an individual if—

10 (1) such individual ordered, incited, assisted, or
11 otherwise participated in the persecution of any per-
12 son on account of race, religion, nationality, mem-
13 bership in a particular social group or political opin-
14 ion; or

15 (2) such individual, having been convicted by a
16 final judgment of an aggravated felony (as defined
17 in section 101(a)(43) of the Immigration and Na-
18 tionality Act), constitutes a danger to the commu-
19 nity of the United States.

20 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to impose new obligations on the
22 Government of the United States in its treatment of na-
23 tionals and habitual residents of a country at United
24 States diplomatic and consular missions in that country.

1 **SEC. 7. TEMPORARY PROTECTED STATUS FOR HAITIANS.**

2 (a) DESIGNATION.—During the period specified in
3 subsection (c) of this section, Haiti is hereby designated
4 under section 244A(b)(1) of the Immigration and Nation-
5 ality Act (relating to temporary protected status).

6 (b) ELIGIBLE HAITIANS.—Any alien—

7 (1) who is a national of Haiti and is present in
8 the United States or in the custody or control of the
9 United States (including Guantanamo Bay, Cuba,
10 and any other vessel or facility of the United States
11 Government) at any time during the period de-
12 scribed in subsection (c) of this section,

13 (2) who is not an alien designated under section
14 8(b) or 9(b) of this Act,

15 (3) who meets the requirements of section
16 244A(c)(1)(A)(iii) of the Immigration and National-
17 ity Act, and

18 (4) who, during the period described in sub-
19 section (c) of this section, registers for temporary
20 protected status to the extent and in a manner
21 which the Attorney General establishes,

22 shall be granted temporary protected status for the dura-
23 tion of that period and section 244A(a)(1) of the Immigra-
24 tion and Nationality Act shall apply with respect to such
25 alien.

1 (c) PERIOD OF DESIGNATION.—The designation pur-
 2 suant to subsection (a) shall be in effect during the period
 3 beginning on the date of enactment of this Act and ending
 4 on the date on which the President certifies to the Con-
 5 gress that the democratically-elected President of Haiti
 6 has been reinstated and Haiti's military high command
 7 has met its obligations under the Governors Island Agree-
 8 ment. Subsections (b)(2) and (b)(3) of section 244A of
 9 the Immigration and Nationality Act do not apply with
 10 respect to the designation pursuant to subsection (a) of
 11 this section.

12 **SEC. 8. CERTAIN HAITIANS INELIGIBLE TO RECEIVE VISAS**
 13 **AND EXCLUDED FROM ADMISSION.**

14 (a) EXCLUSION.—During the period specified in sub-
 15 section (c), an alien designated under subsection (b) shall
 16 be ineligible to receive any visa and shall be excluded from
 17 admission into the United States.

18 (b) DESIGNATED ALIEN.—An alien designated under
 19 this subsection is any alien who—

- 20 (1) is a national of Haiti; and
- 21 (2)(A) is a member of the Haitian military;
- 22 (B) provided financial or other material support
- 23 for, or directly assisted, the military coup of Septem-
- 24 ber 30, 1991, which overthrew the democratically

1 elected Haitian Government of President Jean-
2 Bertrand Aristide;

3 (C) provided financial or other material support
4 for, or directly participated in, terrorist acts against
5 the Haitian people during any period after such
6 coup; or

7 (D) contributed to the obstruction of United
8 Nations resolutions 841 and 843, the Governors Is-
9 land Agreement, or the activities of the United Na-
10 tions Mission in Haiti.

11 (c) PERIOD OF EXCLUSION.—The period of exclusion
12 specified in this subsection begins on the date of the enact-
13 ment of this Act and ends on the date on which the Presi-
14 dent certifies to the Congress that the democratically-
15 elected President of Haiti has been reinstated and Haiti's
16 military high command has met its obligations under the
17 Governors Island Agreement.

18 **SEC. 9. BLOCKING OF ASSETS OF CERTAIN HAITIANS.**

19 (a) BLOCKING OF ASSETS.—During the period speci-
20 fied in subsection (c), all property and interests in prop-
21 erty of aliens designated under subsection (b) that are in
22 the United States, that hereafter come within the United
23 States, or that are or hereafter come within the possession
24 or control of United States persons (including overseas
25 branches of United States persons), are blocked.

1 (b) DESIGNATED ALIEN.—An alien designated under
2 this subsection is any alien who—

3 (1) is a national of Haiti; and

4 (2)(A) is a member of the Haitian military;

5 (B) provided financial or other material support
6 for, or directly assisted, the military coup of Septem-
7 ber 30, 1991, which overthrew the democratically-
8 elected Haitian Government of President Jean-
9 Bertrand Aristide;

10 (C) provided financial or other material support
11 for, or directly participated in, terrorist acts against
12 the Haitian people during any period after such
13 coup; or

14 (D) contributed to the obstruction of United
15 Nations resolutions 841 and 843, the Governors Is-
16 land Agreement, or the activities of the United Na-
17 tions Mission in Haiti.

18 (e) PERIOD OF EXCLUSION.—The period of exclusion
19 specified in subsection (a) begins on the date of the enact-
20 ment of this Act and ends on the date on which the Presi-
21 dent certifies to the Congress that the democratically-
22 elected President of Haiti has been reinstated and Haiti's
23 military high command has met its obligations under the
24 Governors Island Agreement.

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STATEMENT OF PORTER GOSS (FL-14)
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

27 July 1994

MR. CHAIRMAN: Thank you for giving me the opportunity to join the Western Hemisphere subcommittee for hearings on Haiti.

Current U.S. policy in Haiti is destructive, inconsistent, expensive and ineffective. It is eroding the credibility of U.S. leadership at home and abroad, confusing our allies and alienating many of our Caribbean neighbors. The U.S.-led sanctions are decimating the already frail Haitian economy. And, despite the investment of literally hundreds of millions of American taxdollars, U.S. policy is doing nothing to help Haiti solve its troubles. The time has come for a new, improved approach to the Haitian situation.

I particularly want to call your attention to the impact of sanctions. The Haitian people have always lived on the brink of human disaster; U.S. policy has pushed them over that edge. Humanitarian aid is rotting on the docks in Port-au-Prince for lack of transportation to the outer-lying provinces. People are dying for lack of food, potable water and medicine. If you talk to the missionaries and the hospital workers they will tell you of the Haitian children whose stick-like limbs, swollen bellies and faded, reddish hair pay mute testimony to the deepening crisis of malnutrition.

American and other foreign businesses in Haiti are closing up shop, leaving the few Haitians who had jobs unemployed. In a country where one paycheck often feeds ten mouths, the impact of job losses is felt very deeply. Is it any wonder that Haitians are willing to risk their lives at sea for the hope of coming to the U.S.?

We are here today to discuss policy options and I do have some constructive suggestions. First, we need to take the pressure off by pulling back the armada assembled in the Caribbean, lifting the sanctions and taking the immigration magnets out of the area.

Second, we cannot invade Haiti. In 1915, filled with good intention, we invaded. We rewrote their constitution, reconstituted their military, set up and ran their government for 13 years. In the end, we accomplished nothing and were essentially forced to leave. Today, we have the might to conquer

the poorly equipped Haitian military in mere hours. Yet, no one has been able to answer this question to my satisfaction: How would we get from the invasion to building a more democratic Haiti?

Third, work with the UNHCR to create a safe haven on Haitian soil for those Haitians truly in fear for their lives because of political persecution. Once the embargo is lifted, such a safe haven could serve as a base for the provision of humanitarian relief.

Fourth, use the opportunity to seek a peaceful resolution to the crisis. Put negotiations back on the agenda and start working with the moderates, in between the two extremes of the legitimately elected government and the illegal military government. Give the democratically elected President the opportunity to participate in the process -- perhaps by using a safe haven on the Haitian island of Gonave as a temporary base of government operations.

And, as Chris Smith has suggested, we need to take the opportunity to do the homework. His legislation, H.Con. Res. 264, calls for the establishment of a Congressional Commission to assess the situation in Haiti -- including possible openings for a negotiated settlement. Currently, he and I are working to form a small group of Members to go down to meet with some of the democratically elected moderates in the Haitian parliament. Perhaps this can serve as the opening point for a dialogue with the actors who can help form the basis of a lasting and peaceful solution to that small nations' crisis.

My immediate concern remains the continuing signs that U.S. military action in Haiti is still a likely possibility in the coming weeks. As Members of Congress, we have to confront the very real possibility of American soldiers being put in harm's way under circumstances like those in Haiti. At this juncture, it seems appropriate that Congress take an active role in the debate.

I have introduced H. Con. Res. 269, a Sense of Congress resolution that the President should first certify to Congress that there is a clear and present danger to U.S. citizens and that U.S. interests require military action against Haiti. I urge you to hold hearings on this legislation and move it to the floor for consideration as expeditiously as possible -- preferably before the August recess.

As you know, time is of the essence. It appears that the Administration may opt to take action in the very near future. Not only will Members appreciate the opportunity to debate this critical issue, but the hearing process would also give the Administration the opportunity to come to the Hill and make its case.

WORLD NEWS

Political Repression by Rape Increasing in Haiti

By Janet Reitman
Special to The Washington Post

PORT-AU-PRINCE, Haiti—Her chipped, red fingernails twisting the slender velvet choker strung loosely around her neck, Florence recounted the recent night when three men, machine guns forced their way into her tiny one-room home, and raped her repeatedly.

"I wasn't my fault," the 24-year-old woman said softly. She declined to give her last name, fearing then everyone would know about what she called her "accident." She said her parents and seven brothers and sisters were made to watch at gunpoint.

Florence is one victim in a trend that has alarmed human rights activists: a sharp rise in the number of politically motivated rapes. Florence and the men were looking for her boyfriend, who was politically active in the neighborhood and had gotten into a fight with a neighbor.

A week later, she said last week by Human Rights Watch and the National Coalition for Haitian Refugees charged that Haiti's police, military and paramilitary forces are using rape as a terror tactic, frequently against women activists accused of supporting exiled president Jean-Bertrand Aristide. Aristide, a populist elected overwhelmingly in December 1990, was overthrown by the military in September 1991.

Since February, international human rights monitors for a joint U.N.-Organization of American States mission reported 77 cases of rape, 55 of which involved female activists or close relatives of male activists targeted as enemies of Haiti's current rulers.

That is a dramatic increase from the mission's 1993 findings. In 1993, the mission reported 10 cases of rape, were reported by its 30 monitoring teams. The Clinton administration and last week that the human rights situation has deteriorated sharply in Haiti, and it accused the military rulers of making the country a "hell."

Anne Fuller, director of the National Coalition for Haitian Refugees, said that in 1992 and 1993 rapes were less sys-

tematic. Rape "didn't seem to be a major aspect of the repression, but what we're seeing now is an increase in what women say are politically motivated assaults," she said.

Earlier this month, the military-backed government expelled the U.N.-OAS mission, a move that will reduce monitoring of human rights. Because so many rapes still go unreported in Haiti, U.N. observers reported difficulty in obtaining accurate accounting of the crimes.

Colin O'Donnell, executive director of Human Rights Watch, said that before being expelled the mission reported that police officers were receiving reports of three to five "credible" cases of rape a week. An American human-rights worker in Haiti said between 10 and 20 rapes were being reported to his office weekly.

While violence and political repression have marked Haitian society for most of its history, formal reports of rape have been uncommon, possibly in part because of a fear of retribution.

"I could say we're seeing almost more and more each month," Fuller said. "It's an enormous increase, and maybe some can be attributed to increased reporting of rape, but I cannot believe it's all an increase in reports."

Haiti's military government has targeted all types of grassroots organizations, fearing they form a base of support for Aristide. Many of the leaders of the organizations have gone into hiding or exile.

Florence, her face expressionless, said "I told them I didn't know where [her boyfriend] was, but they didn't care. They just kept looking everywhere—under the bed, the bathtub, then they took me to the street and raped me. I had to be on the floor and look down and not say anything."

The perpetrators, according to human rights monitors and activists, are members of Haiti's armed civilian militias, forces known as "attachés."

"To rape a young woman is a way to shock the conscience of the people they want to hurt," one U.N. observer noted, adding that most of the cases involve women under 30. "It's the same thing as a dead body in the street. It's a

way for the predators to shock the population and show we can't do this," she said.

Glady's, 25, who is applying for asylum, alleges that last March she was raped by four armed civilians who then killed her father, Robert. She said the attack occurred after police spotted her friend, an Aristide supporter, hanging a picture of the leader in her home.

She told her story from the relative safety of a Port-au-Prince humanitarian aid office where she had gone to escape the father of Glady's 5-year-old daughter, went into hiding immediately after the attack.

"I heard from friends that Robert had been beaten, and that night four attackers came to my house looking for him, asking me where he was," she said. "They told me, 'If you don't tell us, we'll all have sex with you.' Then they searched my house for Robert and for any pictures of Aristide, but they didn't find anything, so they raped me and killed my sister when she tried to stop them."

Glady's fled to the provinces outside Port-au-Prince for several months, then returned to the capital in March, with her family. "I thought I was safe," she said. "I don't know who they are, I didn't see their faces. They could be anybody.... They beat my friends and my mother, cousin and other sister."

Since the end of June, Glady's had been in hiding. The capital's vast slums, dominated by crude houses set into rocky hills, have become a center for rights abuses.

"When a woman says she was raped by an armed civilian, it's impossible to say who committed the rape," a U.N. observer said. "The rapists are usually a mixture of military officers, armed civilian attachés. But because they are wearing military uniforms, it's impossible to define who they are."

"U.N. human rights monitors are trying to help women who are raped," Fuller said. "People often tell you if you were asked to ask if they are rapists, ask them if they are. The sexually motivated violence tears at the fabric of Haitian society, human rights workers said.



A 24-year-old Haitian woman, now in hiding in Port-au-Prince, was raped by four men who came looking for her boyfriend, who was active in the political opposition.

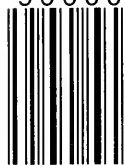
"Many of these women were day before the rape: they had small jobs as merchants, housewives, families," one observer said. "Afterward we find more and more of them sleeping on the streets, in the markets or near the churches, with no connections."

"They are afraid to stay in their house because the predators will come back or tell them: 'If you speak to somebody, we will find you, but it is difficult to find a place for the whole family.' Each person has to find a new place."

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